

Title	Impact of the COVID-19 pandemic on the 1980 Child Abduction Convention, in particular on the use of information technology
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Impact of the COVID-19 pandemic on the 1980 Child Abduction Convention, in particular on the use of information technology

I. Introduction

1 During the COVID-19 pandemic, Central Authorities, courts, and other bodies were forced to re-evaluate and adapt their procedures or practices applicable to cases falling within the scope of the *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (1980 Child Abduction Convention). As a result of such adapted procedures or practices, some of which remained after the pandemic, improvements have been made, in particular (*i.e.*, including but not limited to) the use of information technology.

2 In preparation for the Eighth Meeting of the Special Commission on the 1980 Child Abduction and 1996 Child Protection Conventions (SC), the Permanent Bureau (PB) circulated a Questionnaire on the Practical Operation of the 1980 Child Abduction Convention (2023 Questionnaire).¹ This current document is based on the responses received from Contracting States, more specifically to Question 2 of the 2023 Questionnaire which reads as follows:

“Following the Covid-19 pandemic, have there been any improvements that have remained in your State in the following areas, in particular in relation to the use of information technology, as a result of newly adopted procedures or practices applicable to child abduction cases? In each case, please describe the tools, guidelines or protocols put in place.

- a) Methods for accepting and processing return and access applications and their accompanying documentation;
- b) Participation of the parties and the child (*e.g.*, appearance in court proceedings, mediation);
- c) Promoting mediation and other forms of amicable resolution;
- d) Making arrangements for organising or securing the effective exercise of rights of access; including while pending return proceedings;
- e) Obtaining evidence by electronic means;
- f) Ensuring the safe return of the child;
- g) Cooperation between Central Authorities and other authorities;
- h) Providing information and guidance for parties involved in child abduction cases;
- i) Other, please specify.”

3 The objectives of this document are:

- to present the impact of the COVID-19 pandemic on child abduction cases, in particular the use of new and existing information technology solutions. Such new and existing solutions further assisted in addressing delays in return proceedings, facilitated the participation of parties, including the child, in proceedings and enhanced the exercise of access / contact rights under the 1980 Child Abduction Convention;
- to share information about good practices that were developed in the exceptional circumstances of the pandemic, which have been retained and continue to be applied;

¹ [Prel. Doc. No 4 of January 2023](#), “Questionnaire on the Practical Operation of the 1980 Child Abduction Convention”, available on the HCCH website at www.hcch.net under “Child Abduction Section” then “Special Commission meetings” and “Eighth Special Commission meeting (October 2023)”.

- to serve as a comparative tool or as a source of inspiration for Contracting States that would like to further improve their procedures, which can be done through the use of information technology and other tools, guidelines or protocols. For example, as will be explained in this document, some States have reported that one of the main improvements that has remained since the COVID-19 pandemic has been the increased expeditiousness of processes in child abduction cases;
- to present some possible Conclusions and Recommendations (C&R) for consideration by the SC.

II. Methods for accepting and processing return and access applications and their accompanying documentation

4 According to the responses received to the 2023 Questionnaire, some States had already started implementing information technology in their work processes before the COVID-19-pandemic,² for example by accepting and processing applications electronically,³ receiving cases by e-mail⁴ or, more generally, prioritising electronic means of communication.⁵ The use of technology that was already available prior to the pandemic⁶ has since increased,⁷ for example, due to the introduction of teleworking.⁸

A. Applications

5 Many States reported that the use of information technology⁹ among Central Authorities, to submit and receive return applications, has become increasingly common.¹⁰

6 A number of States reported using information technology for transmitting applications to courts.¹¹

7 Some States mentioned the possibility of making digital / electronic applications but did not specify whether this referred to applications to Central Authorities or to courts.¹²

B. Communication

8 Many States mentioned using electronic communication channels,¹³ a number of them reporting that they prioritise e-mail.¹⁴ For some States, electronic communication and transmission of documents is now the rule rather than the exception, as it significantly expedites processes.¹⁵

2 Australia, Dominican Republic, Finland, France, New Zealand, Switzerland, United Kingdom (England and Wales), United Kingdom (Northern Ireland).

3 France, United Kingdom (England and Wales), United Kingdom (Northern Ireland).

4 Israel.

5 France (“with foreign Central Authorities, applicants, and their counsel” (translation provided by the PB)), Switzerland.

6 Belgium.

7 Finland, New Zealand.

8 China (Hong Kong SAR) (“In addition, during the Covid-19 pandemic, each of our legal staff has been provided with a laptop computer for working at home”), Ukraine (“the staff of the Central Authority worked remotely”), Peru (“implementation of digital desks”).

9 Meaning: “electronic proceedings”, “online platforms” or not defined more precisely by the States.

10 Brazil, Canada, China (Macao SAR), Japan, Latvia, Lithuania, Poland, Singapore, Türkiye, United States of America, Uruguay.

11 Brazil, Canada, China (Macao SAR), Costa Rica, Panama (“electronic court files has been implemented”).

12 Argentina, China (Hong Kong SAR), Colombia (“virtual form”), Cyprus, Finland, Georgia, Jamaica, Panama (“applications from Central Authorities to Courts are transmitted via e-mail”), United Kingdom (Northern Ireland).

13 Dominican Republic, South Africa.

14 Belgium, Bulgaria, France, Panama.

15 Germany, Latvia, Panama (“there is a signed Entry Register (RUE) for the presentation of documents electronically”), Switzerland (“between Central Authorities” (translation provided by the PB)), Ukraine, Uruguay (“between Central Authorities”).

- 9 At least one State noted that the paper system (e.g., sending documents in hard copy by post) is not as widespread as it was before the pandemic and this has caused an overall improvement in work turnaround and processing times.¹⁶

C. Accompanying documentation

- 10 In many States, an electronic procedure has been introduced and documents can be submitted electronically,¹⁷ eliminating the need for hard copies.¹⁸ In some cases, States specified using electronic signatures for official documents.¹⁹
- 11 However, in a number of States, courts still require original or authenticated documents, either systematically²⁰ or on a case-by-case basis.²¹
- 12 At least one State reported that applications from private individuals must be accompanied by the original application form.²²

D. Other

- 13 At least one State mentioned the possibility for litigating parties and their legal representatives who meet legal requirements and regulations to pay litigation fees by electronic means.²³
- 14 Two States in their responses raised concerns regarding the confidentiality of the information exchanged.²⁴

III. Participation of the parties and the child (e.g., appearance in court proceedings, mediation)

- 15 Many States reported that, since the COVID-19 pandemic, more hearings have been taking place remotely.²⁵ These online hearings take place through the use of videoconferencing tools,²⁶ using

¹⁶ United Kingdom (England and Wales).

¹⁷ Canada (e.g., Alberta, Ontario) (“the Court uses an electronic filing process for documentation and electronic court document”), Lithuania, New Zealand, Ukraine, United States of America (“before the USCA”).

¹⁸ Argentina, Costa Rica (“all the files are digital”), Honduras (“all the documentation is transmitted digitally”), New Zealand, United Kingdom (Scotland) (“all court documents now submitted and processed electronically”).

¹⁹ Lithuania (“with other institutions or persons”), Ukraine (“letters to our Central Authority are performed in e-form and are signed with the qualified electronic signatures”), Venezuela.

²⁰ Some jurisdictions of Canada (e.g., Nova Scotia, Manitoba), France (“*l’assignation du parent ravisseur est remise en personne ou à étude*”), Poland, Türkiye (“(...) accepts (...) applications via email provided that original documents are sent subsequently”).

²¹ Belgium, China (Macao SAR) (“paper version”).

²² Switzerland.

²³ China (Macao SAR).

²⁴ China (Macao SAR) (“law 5/2022 on Electronic Submission of Litigation Documents and Payments”), United Kingdom (Northern Ireland) (“use of the CJSM (secure Email system)”).

²⁵ Australia, Argentina (“meeting”), Brazil (“before the Central Authority and before the Court”), Canada (“before the Court”), Chile (“hybrid hearings”), Colombia, Costa Rica, Czech Republic (“before the Court”), Dominican Republic (“for parties and the minor”), Ecuador (“before Court”), France (“before the Courts” (translation provided by the PB)), Georgia (“for parties and child”), Germany (“before the Court”), Italy, Latvia (“before the court”), Lithuania (“before the Court”), Panama (“when one of the parties cannot be here”), Singapore, South Africa (“only before the Gauteng Court”), United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland) (“before the courts”), United States of America, Ukraine (“right for the parties to participate remotely before the Court, in case the Court has the appropriate technical capacity”), Uruguay, Venezuela (“before the Court”).

²⁶ Canada, China (Hong Kong SAR) (“if any of the parties were unable to attend the hearing in person provided the court allowed it”), Czech Republic, Dominican Republic, Ecuador, France, Italy, Panama, Uruguay, Venezuela. The term “video conferencing tools” refers to video technology such as Oracle, which require plug-ins as opposed to hyperlinks.

- video links²⁷ such as Google Meet,²⁸ Sightlink,²⁹ Skype,³⁰ Teams,³¹ Webex³² and Zoom,³³ At least one State reported using WhatsApp.³⁴
- 16 Four States specified the possibility of taking evidence via videoconference.³⁵ At least one State³⁶ reported that courts were relying on the *Guide to Good Practice on the Use of Video-Link under the 1970 Evidence Convention*.³⁷
- 17 Some States reported that their procedures allow the child to participate remotely in the proceedings, via videoconferencing tools.³⁸ However, depending on the jurisdiction, certain conditions and safeguards may apply. For example, one State allows the participation of the child only if such participation is facilitated by professionals in a child-friendly environment.³⁹ Another State specified that, while it is possible to hear the child by videoconference, in practice the child is heard in person by the court.⁴⁰ At least one State specified that, while the remote participation of the child was possible, hearing the child in person, depending on their age and maturity, was preferred.⁴¹
- 18 Many States mentioned that these amended practices have facilitated or permitted the participation of left-behind parents and interested parties abroad in court proceedings.⁴² This remote participation has significantly increased the efficiency of hearings as well as enhanced effective access to proceedings.⁴³ States also reported benefits of such practices in terms of increased flexibility, cost-saving advantages and reducing delays in processing child abduction cases.⁴⁴
- 19 Many States reported the possibility of carrying out mediation procedures remotely,⁴⁵ through videoconferencing tools,⁴⁶ such as video link,⁴⁷ and Webex.⁴⁸
- 20 Some States reported on the challenges they faced in carrying out remote hearings, such as difficulties with, or a complete lack of, access to (good quality) technology,⁴⁹ technical and

27 Georgia, Latvia, Singapore, Ukraine.

28 Peru.

29 United Kingdom (Northern Ireland).

30 South Africa.

31 Australia, Canada, South Africa, United Kingdom (England and Wales).

32 Canada, United Kingdom (Scotland).

33 Canada, Chile, Jamaica, Peru, South Africa.

34 Peru.

35 Australia ("requesting parents and witnesses"), Canada ("orally, for parties"), Georgia, Germany ("hearings for taking evidence are only to be carried out according to the Hague Convention of 1970 and on the European Regulation").

36 Georgia.

37 Available on the HCCH website at www.hcch.net under "Evidence Section" then "HCCH Publications".

38 Dominican Republic, France, Georgia, Peru ("minors, adolescents"), Singapore ("if required by the Court").

39 Dominican Republic ("so that they feel comfortable and express their opinion freely").

40 France.

41 Jamaica.

42 Brazil, Canada, Chile, Colombia, Costa Rica, France, Peru, South Africa, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland).

43 Australia, Peru, South Africa.

44 Lithuania, South Africa.

45 Australia, Bulgaria, Czech Republic ("and other forms of amicable resolution"), Germany ("has increased"), Japan, United States of America ("in some US States it is possible when 'the Hague Convention Mediation Program' is applied"), Uruguay, Venezuela.

46 Uruguay, Venezuela.

47 Australia.

48 Japan.

49 Canada ("access to technology varies both at the global and domestic levels").

connectivity issues⁵⁰ and legal limits.⁵¹ These challenges impacted the quality of the proceedings and caused some delays.⁵²

21 Two States raised concerns regarding the confidentiality of hearings by videoconferencing tools.⁵³

IV. Promoting mediation and other forms of amicable resolution

22 The COVID-19 pandemic seems to have led some States to adopt new procedures pertaining to mediation and other forms of amicable resolution.⁵⁴

23 Many States are promoting mediation and other forms of amicable resolution by using information technology tools⁵⁵ (as much as they handle mediation remotely⁵⁶).

24 In some States, Central Authorities promote these solutions,⁵⁷ for example, by providing a list of mediators on their website,⁵⁸ by simultaneously pursuing mediation and filing an application with the court,⁵⁹ by organising a pre-trial, voluntary return process with the assistance of child rights protection specialists who may negotiate the agreement on behalf of the parents.⁶⁰ At least one of those States mentioned that they made use of the HCCH Guide to Good Practice on Mediation⁶¹ in initiating mediation and other forms of amicable resolution.⁶²

25 Administrative authorities⁶³ or courts⁶⁴ can also promote mediation and other forms of amicable resolution, for example by inviting the parties to consider mediation at the first hearing⁶⁵ or at any stage of the proceedings.⁶⁶ In some States, mediators are specially trained to offer their services in child abduction cases.⁶⁷

26 At least one State noted that, with remote mediation models during the COVID-19 pandemic, the availability and methods by which to participate remotely in mediation or amicable resolution have increased.⁶⁸

27 At least one State pointed out that mediation through videoconference was already used before the pandemic. However, from a global perspective, it is difficult to assess the extent to which the

50 Canada (“not all Courtrooms are equipped for hybrid hearings and there are connectivity problems with the other countries”), Czech Republic, France (“poor quality of the materials” (translation provided by the PB)), Germany.

51 Germany.

52 Canada, France.

53 France (“the remote hearings methods must ensure the confidentiality of the debate” (translation provided by the PB)), Ukraine (“in remote hearings, the confirmation of the identity of the party is carried out using an electronic signature”).

54 Australia (“This is an alternative dispute resolution process that takes place in 3 parts, usually one week very close to the final hearing and is free of cost to the user. It is run by two family mediators (one lawyer and one social scientist) with training and experience in specialized Hague mediations.”), Georgia (“Georgia had already an Action Protocol for the Operation of International Child Abduction Agreements but added a pilot project for the Implementation of Mediation for the Application of International Child Abduction Convention”), Panama (“a draft regulation of the judicial mediation service in matters of International Abduction of Minors is in the stage for review and approval by the Plenary of the Supreme Court of Justice”).

55 France, Georgia.

56 Argentina, Brazil, Dominican Republic, Italy, Latvia, Lithuania, Singapore, Ukraine, United Kingdom (England and Wales), China (Macao SAR), Georgia, Jamaica.

57 France, United States of America (“references about international mediation program available for the parents or guardian”).

58 Jamaica.

59 Lithuania.

60 See Permanent Bureau of the HCCH, *Guide to Good Practice under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Part V – Mediation*, The Hague, HCCH, 2012.

61 China (Macao SAR).

62 Colombia (“Authority summon the alleged abductor parent to a hearing in order to try a voluntary return (can be virtual”).

63 South Africa (“Court”).

64 Bulgaria.

65 Peru.

66 Brazil (“2022: the Mediation School of the Federal Regional Court of the Second Region held the first training course of Mediators specifically related to Mediation in cases of International Child Abduction”).

67 New Zealand.

COVID-19 pandemic impacted the use of new information and communication technologies in the context of mediation.⁶⁹

V. Making arrangements for organising or securing the effective exercise of rights of access / contact, including while pending return proceeding

28 Based on the responses to the 2023 Questionnaire, in most States, it is possible to make arrangements for organising or securing the effective exercise of rights of access / contact, including during pending return proceedings.⁷⁰ At least one State specified that, due to the COVID-19 pandemic, there has been a greater appreciation of the importance to maintain or secure access / contact during pending child abduction proceedings.⁷¹

29 Such arrangements may involve ordering a temporary regime for securing the exercise of access / contact rights,⁷² which can be done remotely⁷³. Such a regime can be arranged at the administrative level by administrative authorities,⁷⁴ through the Central Authority⁷⁵ or by the judiciary.⁷⁶

30 Several States reported that carrying out access / contact arrangements virtually during the pandemic ensured the effective exercise of access / contact rights.⁷⁷

31 In their responses to the 2023 Questionnaire, many States reported an increase in access / contact arrangements being carried out through social media and instant messaging apps such as Viber, Skype, WhatsApp and Telegram⁷⁸ and an increase in the use of co-parenting apps such as OurFamilyWizard.⁷⁹ At least one State noted that access / contact arrangements normally carried out in person were carried out through a specially developed platform for parental contact, mediated by a trained staff member of the Central Authority.⁸⁰

32 A number of States reported that access / contact arrangements were not affected by the pandemic.⁸¹ At least one State noted that “effective methods”⁸² for remote access / contact were already in place before the pandemic.

⁶⁹ France.

⁷⁰ Jamaica (“if the parties are amenable or request for access in the interim”), Poland (“The PCA may refer the applicant’s request for organizing contact with the child during the trial to the court”).

⁷¹ New Zealand.

⁷² Colombia (“through the administrative authority”), Peru (“through the Central Authority, for the left-behind parent”), South Africa (“interim contact / access arrangements are concluded or sought as interim relief pending the outcome of the proceedings, which may include *ex parte* applications”), United Kingdom (Northern Ireland) (“through the courts”).

⁷³ Peru (“at the level of the judiciary, by means of the precautionary measure of a provisional visitation regime, judge can order visitation regimes either in person or virtually for the parent”).

⁷⁴ Colombia.

⁷⁵ Peru.

⁷⁶ Peru (“through the judge”), United Kingdom (Northern Ireland) (“through the courts”).

⁷⁷ Georgia, Peru.

⁷⁸ Argentina, Brazil, Dominican Republic, Georgia, Lithuania, Panama, Ukraine, United Kingdom (England and Wales), United Kingdom (Scotland), Uruguay, Venezuela.

⁷⁹ United Kingdom (Scotland).

⁸⁰ Japan (“online Mimamori Contact platform - monitored online contact assisted by experts”).

⁸¹ Canada, China (Hong Kong SAR), China (Macao SAR), Czech Republic, Denmark, Finland, France, Germany, Honduras, Israel, Italy, Spain.

⁸² Australia.

VI. Obtaining evidence by electronic means

- 33 A number of States noted that obtaining evidence by electronic means is generally possible and that this has improved because of reviewed proceedings since the COVID-19 pandemic.⁸³
- 34 Some States reported that Central Authorities⁸⁴ as well as courts⁸⁵ can receive evidence electronically through electronic files / e-bundles,⁸⁶ as well as via remote hearings.⁸⁷ Electronic evidence can also be obtained using e-mails,⁸⁸ online platforms,⁸⁹ and applications such as Google Meet, Zoom and WhatsApp.⁹⁰
- 35 Others noted that, while Central Authorities facilitate the electronic transmission of evidence,⁹¹ the courts may still require the presentation of hardcopies of original documents.⁹²
- 36 According to the responses received to the 2023 Questionnaire, the increasing admission of evidence obtained by electronic means has facilitated the hearing by the courts of witnesses,⁹³ experts, interested parties⁹⁴ and children⁹⁵ located abroad. In addition to enhancing participation,⁹⁶ obtaining evidence by electronic means expedited the proceedings, since hard copies and original documents did not have to be sent by post.⁹⁷
- 37 A few States reported that the COVID-19 pandemic had little to no impact on their practices in this area.⁹⁸ At least one State attributed this to the fact that practices pertaining to the transmission of evidence were already digitised to a large extent.⁹⁹
- 38 At least one State reported using a special registry to submit evidence electronically, subject to this evidence being confirmed¹⁰⁰ and another State reported using a system that requires an electronic signature to submit evidence electronically.¹⁰¹

VII. Ensuring the safe return of the child

- 39 From the responses to the 2023 Questionnaire, it appears that the use of information technology during the COVID-19 pandemic facilitated more effective and efficient communication by the Central Authorities or courts in Contracting States¹⁰² which, in turn, was helpful in ensuring the safe return of the child.¹⁰³

⁸³ Argentina, Jamaica, Poland, Portugal, Singapore, Panama, Peru, South Africa, United Kingdom (England and Wales), United Kingdom (Scotland) (“even if the use of electronic already existed before the pandemic, electronic bundles are now the standard process and are more efficient”), United Kingdom (Northern Ireland), Ukraine (“since April 2022, the program ‘Electronic Court’ was launched, which allows to those who was registered in the system to send to the court and to obtain all the documents from the court”), Uruguay, Venezuela.

⁸⁴ Peru, Poland, Singapore, Venezuela.

⁸⁵ Argentina, Canada, China (Hong Kong SAR), Colombia, Panama, Peru, South Africa, Ukraine, Venezuela.

⁸⁶ China (Hong Kong SAR), Costa Rica, Panama, United Kingdom (Northern Ireland).

⁸⁷ Brazil, Colombia, Germany, Peru.

⁸⁸ Panama, Poland.

⁸⁹ Argentina, United Kingdom (Scotland).

⁹⁰ Peru.

⁹¹ Jamaica, Peru, Poland, Singapore, Venezuela.

⁹² Jamaica, Poland.

⁹³ Argentina, Lithuania (“remote examination of witnesses from abroad”), Peru.

⁹⁴ Bulgaria, Peru.

⁹⁵ Peru (“following the COVID 19 pandemic, the judiciary set up the Virtual Court Bureau (SINOE”).

⁹⁶ Australia, Peru.

⁹⁷ United Kingdom (Northern Ireland).

⁹⁸ China (Macao SAR), Czech Republic, Denmark, Finland, France, Germany, Honduras, Israel, Italy, Spain.

⁹⁹ United Kingdom (England and Wales).

¹⁰⁰ Panama (“if Evidence are set online, they must be physically presented at the Signe Entry Registry (RUE) within three workings days of receipt in the System, otherwise, they will be considered not presented”).

¹⁰¹ Ukraine.

¹⁰² Argentina, Dominican Republic, United Kingdom (Scotland).

¹⁰³ United Kingdom (England and Wales), United Kingdom (Northern Ireland).

- 40 Two States indicated that information technology made the return quicker¹⁰⁴ and, therefore, contributed to the safe return of the child.¹⁰⁵ For example, some States reported that the use of information technology helped maintain fluid communication with the requesting State,¹⁰⁶ Central Authorities,¹⁰⁷ “Liaison Judges”¹⁰⁸ and allowed authorities to communicate efficiently regarding the return of the child¹⁰⁹ until they were back in their State of habitual residence.¹¹⁰ Using information technology to allow the left-behind parents to make undertakings on the record from abroad, in some cases, also facilitated the safe return of the child.¹¹¹
- 41 A few States noted that the exception under Article 13(1)(b) was often raised in connection with the uncertainty and exceptional circumstances of the COVID-19 pandemic.¹¹² In some situations, this resulted in increased requests for specific evidence about the envisioned circumstances of the child upon their return, which led to some delays.¹¹³ This being said, at least one State clarified that the exception under Article 13(1)(b) continued to be applied restrictively against this background.¹¹⁴
- 42 In general, a number of States reported that the COVID-19 pandemic did not have an impact on ensuring the safe return of the child.¹¹⁵ At least one State specified that effective methods were already in place before the pandemic and that they continued to be used.¹¹⁶ Another State noted that the only real impact in this regard was that sanitary protocols had to be followed when returning the child.¹¹⁷

VIII. Cooperation between Central Authorities and other authorities

- 43 A number of States¹¹⁸ reported a widespread and greater use of electronic means of communication between Central and other Authorities, via e-mail¹¹⁹ or other instant messaging apps (via Zoom, Teams or WhatsApp).¹²⁰ It was noted that such methods of communication have been more effective and efficient, thus enhancing cooperation.¹²¹ At least one State specified that its authorities use such methods of communication to maintain contact with the requested State’s authorities until the children are back in their State of habitual residence.¹²²
- 44 Some States noted that electronic communications have had a considerable impact on reducing delays, as they allow for much swifter exchanges of information which results in speedier

¹⁰⁴ United Kingdom (England and Wales).

¹⁰⁵ United Kingdom (Northern Ireland).

¹⁰⁶ Dominican Republic (“making use of digital programs” and “reciprocally sharing information to facilitate the return of the minors”).

¹⁰⁷ Argentina, Colombia, Israel, Singapore, Uruguay.

¹⁰⁸ Argentina, United Kingdom (Scotland) (“speedier communication with legal agencies in other jurisdictions”).

¹⁰⁹ Argentina.

¹¹⁰ Colombia (“we keep permanent communication with Central Authorities regarding the return orders until the children are back in their habitual residence countries”).

¹¹¹ Canada.

¹¹² Germany, New Zealand.

¹¹³ New Zealand (“so that the court can make an informed assessment that the circumstances on return will support a safe return for this child and taking parent”).

¹¹⁴ Germany.

¹¹⁵ Australia, China (Hong Kong SAR), China (Macao SAR), Costa Rica, Czech Republic, Denmark, Finland, France, Honduras, Israel, Italy, Lithuania, Spain, Ukraine, United Kingdom (England and Wales).

¹¹⁶ Australia.

¹¹⁷ Costa Rica.

¹¹⁸ Argentina, Belgium, Brazil, Bulgaria, China (Hong Kong SAR), Costa Rica, Czech Republic, Finland, France, Latvia, Poland, Portugal, Singapore, Türkiye.

¹¹⁹ Bulgaria, China (Hong Kong SAR), Costa Rica, Latvia, Lithuania, Poland, Singapore, Türkiye.

¹²⁰ Argentina, Brazil, Israel, Japan.

¹²¹ Argentina, Belgium, Dominican Republic, Finland, Georgia, Israel, Lithuania, Ukraine, United Kingdom (England and Wales).

¹²² Colombia.

processing times.¹²³ Such enhanced cooperation has resulted in a more effective implementation of the objects of the 1980 Convention.¹²⁴

45 Finally, some States reported that they did not notice any significant improvements or effects in this area during or following the COVID-19 pandemic.¹²⁵ At least one State specified that effective methods in this area were already in place before the pandemic and continue to be used.¹²⁶

IX. Providing information and guidance for parties involved in child abduction cases

46 According to the responses to the 2023 Questionnaire, many States provide information and guidance to parties involved in child abduction cases electronically,¹²⁷ via messaging apps (e.g., via WhatsApp),¹²⁸ by organising virtual meetings (e.g., via Google Meet, Zoom or Skype)¹²⁹ via e-mail,¹³⁰ or by displaying relevant information on official websites.¹³¹ Information provided can consist of advice concerning civil foreign courts or resources for locating a child,¹³² instructions¹³³ about who to contact to obtain information,¹³⁴ how to find an attorney within the State or abroad,¹³⁵ how to make an application¹³⁶ (including where to find the application form and how to complete it),¹³⁷ how to prevent an abduction¹³⁸ and responses to frequently asked questions.¹³⁹

47 In some States, toolkits containing useful information are in the process of being developed¹⁴⁰ and existing ones have been updated¹⁴¹ to provide further assistance to interested parties.

48 At least one State reported that e-mail has been the primary means of communication between members of the International Hague Network of Judges (IHNJ), parties, their lawyers and Central Authorities.¹⁴²

49 In some States, the COVID-19 pandemic did not have an impact on the way in which information is provided to interested parties,¹⁴³ or no specific improvements were observed.¹⁴⁴ A number of States reported that interested parties could access information electronically prior to the COVID-19 pandemic.¹⁴⁵

123 Belgium, Finland (“cooperation functions more proficiently electronically”), Lithuania, Ukraine, United Kingdom (England and Wales).

124 Georgia (“the main document for Georgian Central Authority was guide to good practice on Central Authorities practice prepared by HCCH”).

125 Canada, China (Macao SAR), Denmark, Germany, Italy, Spain, United Kingdom (Northern Ireland).

126 Australia.

127 Argentina, Australia, Brazil, Bulgaria, China (Hong Kong SAR), Costa Rica, Denmark, Finland, Georgia, Latvia, New Zealand, Peru, Poland, Singapore, Türkiye, Ukraine, United Kingdom (Scotland), United States of America, Uruguay.

128 Argentina, Bulgaria (“doing oral consultation by phone”), Costa Rica (“since September 2022, we have a WhatsApp number”), Georgia, Latvia, Singapore, Türkiye, Ukraine (“the consultations by phone become very popular during the last year”).

129 Argentina, Denmark (“during the pandemic”, “Skype”), Peru, Uruguay.

130 Argentina, Georgia, Latvia, Peru, Singapore, Türkiye, Ukraine, Uruguay.

131 Argentina, Australia (“e.g., the Attorney General’s Department’s website”), China (Hong Kong SAR), Costa Rica, Finland, New Zealand, Venezuela.

132 United States of America.

133 Finland.

134 New Zealand.

135 United States of America.

136 Australia.

137 Poland.

138 New Zealand.

139 Australia.

140 Jamaica.

141 Finland (“the Finnish Ministry of Justice has an updated child abduction information kit”).

142 Brazil, Ukraine.

143 Canada, Israel, Italy, Lithuania.

144 China (Macao SAR), Czech Republic, France, Germany, Spain.

145 United Kingdom (Scotland).

X. Other matters

50 At least one State¹⁴⁶ pointed out that holding virtual meetings resulted in significant savings both in terms of cost and time. It was also highlighted that the more widespread use of information technology was beneficial, despite the fact that some technical and procedural issues remain.¹⁴⁷

51 At least one State specified that, in general, the practices developed during the COVID-19 pandemic have since been discontinued, as they were specifically designed to respond to those exceptional circumstances. It was clarified, however, that the legal basis for the use of new technologies was already foreseen long before the pandemic.¹⁴⁸

XI. Remarks and proposal from the PB

52 Overall, responses to the 2023 Questionnaire indicated an increase in the use of information technology, and correlated improvements associated with its use in the context of child abduction cases, during and following the COVID-19 pandemic. This resulted, most notably, in improvements in processing times and enhanced access to, and participation in, return proceedings by left-behind parents and other interested parties. Prior to the COVID-19 pandemic, many States were already using information technology tools in the context of applications under the 1980 Convention, a practice which addresses delays. However, issues of access to (good quality) technology, connectivity and procedural barriers still remain and need to be addressed, with a view to more effectively meeting the objects of the Convention. In that respect, it is important to note the European Union proposal for a Regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters.¹⁴⁹

53 In this regard, the PB invites the Special Commission (SC) to consider adopting the following C&R:

- a) The SC reiterated the effectiveness / value of the use of information technology for efficient communication between authorities, sharing of data, and to assist in reducing delays and expedite return proceedings,¹⁵⁰ noting in particular the improvements reported by States following the COVID-19 pandemic.

¹⁴⁶ United Kingdom (England and Wales).

¹⁴⁷ Germany.

¹⁴⁸ Spain.

¹⁴⁹ The proposal provides for communications between competent authorities (defined in the general approach as courts, public prosecutors' offices, Central Authorities and other competent authorities as defined in and, designated or notified in accordance with the legal acts listed in the Regulation) for a range of legal acts (including Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (Brussels II *ter* Regulation)) to be conducted digitally by default. Communications according to the Regulation between natural or legal persons or their representatives with the Central Authorities under the Regulation will also have to be conducted digitally. The e-CODEX technology will be used for the access point of the "decentralised IT system" provided by the text of the proposal (Recital 11). The Council of the EU has adopted a political agreement pending the first reading position of the European Parliament, also known as a "general approach". The text has now been transmitted to the European Parliament for its first reading. It is not known when the text will be adopted. For the Brussels II *ter* Regulation, the text provides for implementing acts defining the decentralised IT system to be adopted six years after the entry into force of the Regulation. If the Regulation enters into force in 2023, it will follow that the implementing acts could be adopted in 2029, meaning that communications under the Brussels II *ter* Regulation would have to be fully digital by 2032, after a three-year transition period (according to the text of the general approach).

¹⁵⁰ See [Conclusions and Recommendations \(C&R\) adopted by the Special Commission](#), Seventh Meeting of the Special Commission on the practical operation of the 1980 Child Abduction Convention and 1996 Child Protection Convention (10-17 October 2017), available on the HCCH website at www.hcch.net under "Child Abduction Section" then "Special Commission meetings" and "Seventh Special Commission meeting (October 2017)", C&R No 66 which reads as follows: "The Special Commission recognises the value of the use of information technology for efficient communication and sharing of data and invites the Permanent Bureau to explore further, subject to available resources, the development of secured systems of communications, such as secured e-conferencing, in particular for members of the IHNJ."

- b) The SC noted that the use of information technology facilitates access to, and enhances participation in, proceedings for all parties, including, when appropriate, the child.
- c) The SC further noted the benefits of the use of information technology in facilitating arrangements for organising or securing the effective exercise of rights of access / contact.
- d) The SC encouraged States to continue implementing and enhancing the use of information technology in proceedings falling within the scope of the 1980 Convention where appropriate.
- e) The SC encouraged States to make use of the *Guide to Good Practice on the Use of Video-Link under the 1970 Evidence Convention* as a helpful resource for obtaining information about the use of video-link technology.