

Questionnaire concerning the Practical Operation of the 1980 Child Abduction Convention

Wherever responses 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	URUGUAY
<i>For follow-up purposes</i>	
Name of contact person:	
Name of Authority / Office:	
Telephone number:	
E-mail address:	
Date:	

PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

Recent developments in your State²

1. Since the 2017 SC, 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 and the results achieved in practice.

- No
 Yes

Please specify:

Article 44 of Law No. 19.580. on Gender-based violence against Women. Date: 22/Dic/2017

This article modified Article 15 of Law 18.895 (which is the law that establishes a special procedure in incoming cases of international child abduction) adding the last paragraph.

With the amendment, Art. 15 now states as following:

Article 15 – Raising of objections.

The defendant may raise objections in writing stating the legal justification, and accompanying the supporting evidence. These objections shall be taken as valid if they show that:

A) The person, institution, or body that was in charge of the person below the age of sixteen years was not effectively exercising its custody rights at the time of the removal or retention, or had consented to or subsequently acquiesced in such removal or retention.

B) There is a grave risk that the return of a person below the age of sixteen years would expose the child to physical or psychological danger or otherwise pose an unbearable situation for the child.

Whenever it is proved that there is or has been gender-based violence on the applicant against the children whose return is requested, or against the person in whose care they are, the grave risk set forth above will be taken as established.

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 which have occurred in your State since the Seventh Meeting of the Special Commission (SC) to review the operation of the 1980 Abduction Convention and the 1996 Child Protection Convention (held from 10 to 17 October 2017) (“2017 SC”).

With this amendment, the exception is now extended to situations where the grave risk of harm is posed to the mother of the child (taking parent), and not only to the child.

However, this amendment does not affect the requests for child return made from countries that Uruguay is bound by the 1980 Convention, since in such cases, art. 13 of the Convention applies and not art. 15 of our domestic law. The modification only affects requests made by countries that Uruguay does not have a Convention on the matter, and therefore, our domestic law is entirely applicable.

2. Following the Covid-19 pandemic,³ 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;
Our office currently accepts return and access applications sent exclusively by electronic means. Likewise, with those countries that also accept it, we send them electronically.
 - b) Participation of the parties and the child (e.g., appearance in court proceedings, mediation);
It is increasingly common for the competent courts to summon the applicant to a hearing by videoconference. When mediation is required, the LBP usually participate by videoconference.
 - 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;
It is very common for access regimes to include some form of periodic virtual communication between the applicant and the child.
 - e) Obtaining evidence by electronic means;
Requests for evidence are usually received and submitted electronically.
 - f) Ensuring the safe return of the child;
When measures to ensure the safe return of the child are requested, they are generally reported to the requesting State electronically.
 - g) Cooperation between Central Authorities and other authorities;
The most common means of communication between Central Authorities are e-mail and videoconferencing. However, some Central Authorities continue to communicate with us by letters sent by regular mail.
Communication between our Central Authority and our competent judicial authorities is done electronically, as well as with the liaison judge.
 - h) Providing information and guidance for parties involved in child abduction cases;
Besides other means of communication, our central authority communicates with the parties by email or videoconference.

³ This question aims to gather information about good practices that were developed in those exceptional circumstances and that will continue to be applied regardless of the pandemic.

i) Other, please specify.
Please insert text here

3. Please provide the three most **significant decisions concerning the interpretation and application of the 1980 Convention** rendered since the 2017 SC by the relevant authorities⁴ in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
REAL MINISTERIO DE JUSTICIA Y SEGURIDAD PÚBLICA DE NORUEGA - DE L.F., L.Y.S - RESTITUCIÓN INTERNACIONAL DE MENOR	Tribunal de Apelaciones de Familia de Primer Turno	Appeal Court	https://www.incadat.com/es/case/1529e
F.F.Z.V. RESTITUCIÓN INTERNACIONAL	Tribunal de Apelaciones de Familia de Primer Turno	Appeal Court	The appeals court overruled the first instance ruling and ordered the return of the children back to Spain.
G.G., E. c/ A. M, V - RESTITUCIÓN INTERNACIONAL DE MENORES DE 16 AÑOS - IUE N°: 0002-054148/2019	Tribunal de Apelaciones de Familia de Segundo Turno	Appeal Court	The appeals court upheld the first instance ruling, and ordered the return of the child to Brazil

4. Please provide a brief summary of **any other significant developments** in your State since the 2017 SC.

Please insert text here

Issues of compliance

5. Has your State faced any particular **challenges with other Contracting Parties** to the 1980 Convention in achieving successful cooperation? Please specify the challenges that were encountered and, in particular, whether the problems appear to be systemic.

- No
- Yes

Please specify the challenges encountered:

It has been some problem with the localization of the child, which takes too long. Some AC doesn't answer back our emails in a prompt way and doesn't provide information during the procedure. Also, some AC does not provide the contact information of the applicant's defender, so there is no contact between them.

⁴ 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 Contracting Parties such "authorities" will be courts (i.e., judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

6. Are you aware of situations or circumstances in which there has been **avoidance or improper application** of the 1980 Convention as a whole or any of its provisions in particular?

- No
 Yes

Please specify:

With art. 21. Some countries understand that it only works in cases where a return application was previously denied. Therefore, they denied any access request that no abduction application was previously requested..

Addressing delays and ensuring expeditious procedures

7. The 2017 SC encouraged States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / other alternative dispute resolution - “ADR” phases)⁵ in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention. Please indicate any identified sources of delay at the following phases:

Central Authority

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

Judicial proceedings

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

Enforcement

- No
 Yes
 Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

Mediation / ADR

- No
 Yes

⁵ See C&R No 4 of the 2017 SC, “The Special Commission acknowledges that some States have made progress in reducing delays and encourages States to review their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / ADR phases) in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention.”

Procedure not yet revised

If the answer to the above is YES, please share any measures that have been implemented to address the delays:

Please insert text here

Court proceedings and promptness

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

No
 Yes

Please specify:

Since 2012, Law 18.895 establishes a particular procedure for incoming requests for the international return of children and international access arrangements, with noticeably short deadlines, and limitation of appeals, which has generated a significant reduction in the time taken by these procedures, getting quite close to the 6 weeks established by the Convention.

9. If the response to question 8 above 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 specify:
 Please insert text here
 Yes
 Please specify:
 Please insert text here

10. Do the courts in your State make use of direct judicial communications⁶ to ensure prompt proceedings?

No
 Yes
 Please specify:

Examples:

SPAIN: April 2021 - The Uruguayan Liaison Judge has DJC with Spain´s Liaison Judge and with the competent Uruguayan Judge concerning the request for information under art. 34 of the 1996 Hague Convention sent via Central Authority - case N° 9999/1/2021,

SPAIN: Internal direct judicial communication on March 2022 with the competent Uruguayan Judge in an abduction case, case IUE 329-131/2022.

BRAZIL: Direct internal judicial communication on June 2022, with the competent Uruguayan Judge - case IUE 396-13137/2022,

BRAZIL - Direct external judicial communication with the Brazilian Liaison Judge of the Region of Rio grande do Sul, facilitating the collection of evidence in an abduction case requested by Brazil.

⁶ For reference, see “Direct Judicial Communications - Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications, including commonly accepted safeguards for Direct Judicial Communications in specific cases, within the context of the International Hague Network of Judges”.

ARGENTINA - Assistance in International Access case on August 2022, direct internal judicial communication with the competent Uruguayan Judge - case IUE 341-302/2022.

11. If your State has not designated a judge to the International Hague Network of Judges (IHNJ) does your State intend to do so in the near future?

- No
 Yes

Please specify:

Please insert text here

12. Please comment upon any cases (where your State was the 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?

The role and functions of Central Authorities designated under the 1980 Convention

In general

13. 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 Contracting Parties with which your State has cooperated?

- No
 Yes

Please specify:

Please insert text here

14. 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:

With art. 21. Some countries understand that it only works in cases where a return application was previously denied. Therefore, they denied any access request that no abduction application was previously requested.

Legal aid and representation

15. 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 that were dealt with?

- No
 Yes

Please specify:

In Uruguay, there are no delays as a result of the appointment of legal representation for the applicant. The Judge, in his first decision, appoints a public defender for the

applicant and a different one for the child or children. The applicant, if he/she wishes, may later replace him/her with a private attorney.

The Central Authority of Uruguay does not represent the applicant, maintaining neutrality during the process.

However, delays have been experienced when we submitted applications abroad. In some countries, the appointed attorney does not represent the applicant, nor does he/she maintain any contact at all with the applicant. Therefore, no information about the process is given until the final judgment.

In countries that made Art. 26 reservations, this situation has often resulted in the total frustration of the applications since a pro bono legal advisor is not appointed even though the applicant lacks the economic resources to hire a private one..

16. Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States your Central Authority has dealt with, regarding the **obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?**⁷

No

Yes

Please specify:

Please insert text here

Locating the child

17. 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 Uruguay, the Central Authority delegates the location of children to competent judicial authorities. In some cases, we have noticed that either the competent authority or the police have not used all the resources they have to locate them, on the understanding that since the child is with a parent, those cases are not grave enough.

Some countries rely solely on the information provided by the applicant to locate the children and appear to lack sufficient resources to establish a tracing mechanism.

Voluntary agreements and bringing about an amicable resolution of the issues

18. How does your Central Authority (either directly or through any intermediary) take, or is considering taking, appropriate steps under **Article 7(c)** to bring about an amicable resolution of the issues? Please explain:

The Central Authority of Uruguay procures to reach an amicable agreement upon the applicant´s request. We inform the applicant that if we proceed, our office cannot close the child or the taking parent´s borders (that involves the judiciary) which may generate a flight risk.

⁷ See paras 1.1.4 to 1.1.6 of the C&R of the Fifth Meeting of the SC to review the operation of the 1980 Child Abduction and the practical implementation of the 1996 Child Protection Convention (30 October – 9 November 2006) (2006 SC C&R) and paras 32 to 34 of the C&R of the Sixth Meeting of the SC to review the operation of 1980 and 1996 Conventions (1-10 June 2011 and 25-31 January 2012) (2012 SC C&R), available on the HCCH website at www.hcch.net under “Child Abduction Section” then “Special Commission meetings”.

In cases where mediation is carried out, the negotiation does not include substantive issues, which must necessarily be resolved in the State of the child's habitual residence

19. In the case that your Central Authority offers mediation services, or other alternative dispute resolution methods to bring about an amicable resolution of the issues, has your Central Authority reviewed these procedures in the light of the framework of international child abduction cases (e.g., by providing trained, specialised mediators, including with cross-cultural competence and necessary language skills⁸)?

Please specify:

No

20. Should the services mentioned in the question above not yet be provided, does your Central Authority intend to provide them in the future?

Please provide comments:

Yes

21. Has your State considered, or is it in the process of considering, the establishment of a central service for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children?⁹

No

Please explain:

Please insert text here

Yes

Please explain:

We are in the process of considering it

Ensuring the safe return of children¹⁰

22. How does the competent authority in your State obtain information about the protective measures available in the requesting State when necessary to ensure the safe return of the child?

Please explain:

Either through the Central Authorities or through direct communication with the liaison judges.

23. If requested as a safe return measure (e.g., in accordance with the 1996 Convention), would your Central Authority be in a position to provide, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?

No

Yes

Please specify:

The Central Authority could request a report from social services or competent authorities

⁸ For reference, please see the recommendation in the Guide to Good Practice on Mediation, item 3.2, paras 98-105, "Specific training for mediation in international child abduction cases", available on the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

⁹ As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". paras 114-117. See also 2011 / 2012 SC C&R at para. 61.

¹⁰ See Art. 7(2)(h) of the 1980 Convention.

Information exchange, training and networking of Central Authorities

24. Has your Central Authority shared experiences with other Central Authority(ies), for example by organising or participating in any networking initiatives such as regional meetings of Central Authorities, either in person or online?¹¹

- No
 Yes

Please specify:

We have participated in Central Authorities meetings organized by the ROLAC - HCCH, IBERRED, INN, RLAC, and bilateral meetings.

Case management and collection of statistical data on applications made under the Convention

25. Has your Central Authority developed any protocols or internal guidelines for the processing of incoming and outgoing cases?

- No
 Yes

Please specify and share the relevant instruments whenever possible:

[Please insert text here](#)

26. Does your Central Authority operate a case management system for processing and tracking incoming and outgoing cases?

- No
 Yes

Please specify:

However, we are developing a new software that would help us to process and track the cases.

27. Does your State collect statistical data on the number of applications made per year under the 1980 Convention (e.g., number of incoming and / or outgoing cases)?¹²

- No
 Yes

In case this information is publicly made available, please share the links to the statistical reports:

Incoming cases: <https://www.poderjudicial.gub.uy/gestion/restitucion-de-menores.html>

Transfrontier access / contact¹³

28. Since the 2017 SC, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier access / contact?

- No
 Yes

¹¹ See, in particular, Chapter 6.5, on twinning arrangements, of the Guide to Good Practice – Part I – Central Authority Practice, available on the HCCH website at www.hcch.net (see path indicated in note 8).

¹² In the Country Profile for the 1980 Child Abduction Convention, question No 23(e), States are asked to inform whether statistics related to applications under the Convention are publicly available. Please note that, at its meeting of 2021, according to Conclusion & Decision (C&D) No 19, the Council on General Affairs and Policy (CGAP) mandated the discontinuance of INCASTAT.

¹³ See C&R Nos 18-20 of the 2017 SC.

Please specify:
Please insert text here

29. Has your Central Authority encountered any problems as regards cooperation with other States in making arrangements for organising or securing the effective exercise of rights of access / contact?

- No
- Yes

Please specify:
Some countries understand that it only works in cases where a return application was previously denied. Therefore, they denied any access request that no abduction application was previously requested.

30. Has your State had any challenges, or have questions arisen, in making arrangements for organising or securing the effective exercise of rights of access / contact under **Article 21** when the application was *not* linked to an international child abduction situation?¹⁴

- No
- Yes

Please specify:
Some countries understand that it only works in cases where a return application was previously denied. Therefore, they denied any access request that no abduction application was previously requested.

31. In the case of access / contact applications under **Article 21**, which of the following **services** are provided by your Central Authority?

Position	Services provided
A request of assistance to organise or secure effective exercise of rights of access in another Contracting Party (as requesting State)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 3. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide <input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input checked="" type="checkbox"/> 5. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input type="checkbox"/> 6. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input checked="" type="checkbox"/> 8. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 9. Provision of regular updates on the progress of the application <input type="checkbox"/> 10. Other, please specify: Please insert text here
A request of assistance to organise or secure effective exercise of rights of access in your State (as requested State)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State <input checked="" type="checkbox"/> 2. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input type="checkbox"/> 3. Assistance in providing or facilitating the provision of legal aid and advice

¹⁴ According to C&R No 18 of the 2017 SC, “The Special Commission agrees that an application to make arrangements for organising or securing the effective exercise of rights of access / contact under Article 21 can be presented to Central Authorities, independently of being linked or not, to an international child abduction situation.”

	<input type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input checked="" type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 6. Regular updates on the progress of the application <input type="checkbox"/> 7. Other, please specify: Please insert text here
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32. Should your State also be a Contracting Party to the 1996 Convention, are you aware of any use being made of **provisions of the 1996 Convention**, including those under Chapter V, **in lieu of or in connection with an application under Article 21** of the 1980 Convention?

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

Special topics

Obtaining the views of a child in a child abduction case

33. When obtaining the views of a child in a child abduction proceeding in your State's jurisdiction, what are the elements normally observed and reported by the person hearing the child (e.g., expert, judge, guardian *ad litem*? (E.g., the views of the child on the procedures, the views of the child on the subject of return, the maturity of the child, any perceived parental influence on the child's statements)?

Please explain:

In all cases, the child is assigned a public defender, who represents him/her. Depending on the age of the child, he/she is heard directly by the judge or through his/her public defender. In some cases, an expert opinion is requested to determine the degree of maturity of the child, and the existence of influence of the taking parent.

When the child is heard directly by the judge, it is usually done without the presence of the parents and their lawyers, so that the child can express himself/herself freely, keeping this information confidential, which can only be later accessed by a higher court, in case of an appeal.

34. Are there any procedures, guidelines or principles available in your State to guide the person (e.g. expert, judge, guardian *ad litem*) in seeking the views of the child in a child abduction case?

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

Article 15

35. As requesting State (outgoing applications), how often have judicial or administrative authorities in your State received requests for Article 15 decisions or determinations?

- Do not know
 Never
 Rarely
 Sometimes
 Very often

Always

36. As requested State (incoming applications), how often have judicial or administrative authorities in your State requested Article 15 decisions or determinations?

Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

37. Please indicate any good practices your State has developed to provide as complete as possible information in the return applications as required under Article 8 with a view to speed up proceedings?

Please indicate:
[Please insert text here](#)

38. Considering C&R No 7 of the 2017 SC,¹⁵ what information do you suggest adding to the Country Profile for the 1980 Convention, either as requested State or requesting State in relation to Article 15?

Please insert your suggestions:
[Please insert text here](#)

Relationship with other international instruments on human rights

39. Has your State faced any challenges, or have questions arisen, in processing international child abduction cases where there was a **parallel refugee claim** lodged by the taking parent?

No
 Yes
 If possible, please share any relevant case law or materials that are relevant to this type of situation in your State or, alternatively, a summary of the situation in your State:
[Please insert text here](#)
 Do not know

40. Has the concept of the **best interest of the child** generated discussions in your State in relation to child abduction proceedings? If it is the case, please comment on any relevant challenges in relation to such discussions.

No
 Yes
 Please provide comments:
[Please insert text here](#)

Use of the 1996 Convention¹⁶

41. If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention (please comment where applicable below):

¹⁵ See C&R No 7: "The Special Commission recommends amending the Country Profile for the 1980 Convention to include more detailed information on the Article 15 procedure. It is further recommended that an Information Document on the use of Article 15 be considered with, if necessary, the assistance of a small Working Group."

¹⁶ For this part of the Questionnaire, the [Practical Handbook on the Operation of the 1996 Child Protection Convention](#) can provide helpful guidance, available on the HCCH website at [under "Child Protection Section"](#).

(a) providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**)

Please insert text here

(b) providing for the recognition of urgent protective measures by operation of law (**Art. 23**)

Please insert text here

(c) providing for the advance recognition of urgent protective measures (**Art. 24**)

Please insert text here

(d) communicating information relevant to the protection of the child (**Art. 34**)

Please insert text here

(e) making use of other relevant cooperation provisions (e.g., **Art. 32**)

Please insert text here

42. If your State is a Party to the 1996 Convention, does your State make use of the relevant cooperation provisions (e.g., Art. 32) to provide, if requested, either directly or through intermediaries, a report on the situation of the child after a certain period of time after the return?¹⁷

No

Yes

Please specify:

We haven't been requested such cooperation so far, but it is feasible to provide it.

Primary carer and protective measures

43. Are you aware of any cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, coercive control, 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:

Please insert text here

44. Would the authorities of your State consider putting in place measures to protect the primary carer upon return in the requesting State if they were requested as a means to secure the safe return of the child?

Please explain and provide case examples where possible:

Yes we would.

45. In cases where the return order was issued together with a protective measure to be implemented upon return, are you aware of any issues encountered by your State in relation to the enforcement of such protective measures?

No

Yes

¹⁷ See C&R No 40 of the 2017 SC: "The Special Commission notes that many Central Authorities may provide certain degrees of assistance (both when the 1980 Convention and / or the 1996 Convention apply), both to individuals within their own State and to foreign Central Authorities on behalf of an individual residing abroad. Requests for assistance may encompass such matters as: securing rights of access; the return of children (both when the 1980 Convention and / or the 1996 Convention apply); the protection of runaway children; reporting on the situation of a child residing abroad; post-return reports for children returned to their habitual residence; the recognition or non-recognition of a measure taken abroad (advanced recognition); and, the enforceability of a foreign measure of protection." (Emphasis added.)

Please explain and distinguish between such measures being recognised and enforced under the 1996 Convention:
[Please insert text here](#)

46. In cases where the return order was issued together with an undertaking given by either party to the competent authority of the requested State, are you aware of any issues encountered by your State in relation to the enforcement of such undertakings?

- No
 Yes

Please specify:

[Please insert text here](#)

47. If your State is a Contracting Party to the 1996 Convention, is Article 23 of that Convention being used or considered for the recognition and enforcement of undertakings given by either party while returning a child under the 1980 Convention?

- No
 Yes

Please specify:

[Please insert text here](#)

- N/A

48. In cases where measures are ordered in your State to ensure the safety of a child upon return, does your State (through the Central Authority, competent Court or otherwise) attempt to monitor the effectiveness of those measures upon the child's return?

- No
 Yes

Please specify:

[Please insert text here](#)

International family relocation¹⁸

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

- Yes

Please describe such procedures, if possible:

[Please insert text here](#)

- No

Please describe how the authorities deal with international family relocation cases, if possible:

[Please insert text here](#)

Publicity and debate concerning the 1980 Convention

50. Considering any potential impact on its practical operation, has your State had any recent publicity (positive or negative) or has there been any debate or discussion in your national parliament or its equivalent about the 1980 Convention?

¹⁸ See the C&R of the 2006 SC at paras 1.7.4-1.7.5, C&R No 84 of the 2012 SC, and C&R No 21 of the 2017 SC, the latter of which says: "The Special Commission recalls the importance of securing effective access to procedures to the parties in international family relocation cases. In this regard, the Special Commission notes that: i) mediation services may assist the parties to solve these cases or prepare for outcomes; ii) the Washington Declaration of 25 March 2010 on Cross-border Family Relocation may be of interest to competent authorities, in particular in the absence of domestic rules on this matter. The Special Commission recommends joining the 1996 Convention."

- No
- Yes

Please indicate the outcome of this debate or discussion, if any:
[Please insert text here](#)

51. By what methods does your State disseminate information to the public and raise awareness about the 1980 Convention?

Please explain:

<https://www.poderjudicial.gub.uy/gestion/restitucion-de-menores.html>

PART II – TRAINING, EDUCATION AND POST-CONVENTION SERVICES

Training and education

52. Please provide below 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:

Please provide details:

The Liaison Judge and the Central Authority give periodical seminars to competent authorities in Uruguay, about the 1980 and 1996 Hague Convention.

In these seminars, we discuss not only the theoretical issues of the conventions but also the practical ones, giving national and international examples.

The tools, services and support provided by the PB

53. Please comment or state your reflections on the specific tools, services and support provided by the PB to assist with the practical operation of the 1980 (and 1996) Conventions, including:

- a. The Country Profile available under the Child Abduction Section, including the addition and / or revision of its questions.

Very useful

- b. INCADAT (the international child abduction database, available at www.incadat.com).

Extremely useful. It is very frequently used by the Judges.

- c. *The Judges' Newsletter* on International Child Protection - the HCCH publication which is available online for free;²⁰

Very useful. It is also distributed internally in seminars

- d. The specialised "Child Abduction Section" of the HCCH website (www.hcch.net);

Very useful

- e. Providing technical assistance and training to Contracting Parties regarding the practical operation of the 1980 (and 1996) Conventions. Such technical assistance and training may involve persons visiting the PB or, alternatively, may involve the PB (including through its Regional Offices) 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 had technical assistance provided by the ROLAC. In the past, they had participated in our seminars and it was extremely useful

- f. Encouraging wider ratification of, or accession to, the 1980 (and 1996) Conventions, including educating those unfamiliar with the Convention(s);²¹

Very useful

²⁰ Available on the HCCH website at 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.

²¹ Which again may involve State delegates and others visiting the PB or, alternatively, may involve the PB organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the 1980 (and 1996) Conventions and participating in such conferences.

- g. Supporting communications between Central Authorities, including maintaining updated contact details on the HCCH website or intervening to facilitate contact in cases where obstacles arise.

Extremely useful

- h. 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 or intervening to facilitate contact in cases where obstacles arise.

Extremely useful

- i. Responding to specific questions raised by Central Authorities, Hague Network Judges or other operators regarding the practical operation or interpretation of the 1980 (and 1996) Conventions.

Very useful

Guides to Good Practice under the 1980 Convention

54. For any of the Guides to Good Practice²² which you may have used to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State please provide comments below:

- a. Part I on Central Authority Practice.

Please insert text here

- b. Part II on Implementing Measures.

Please insert text here

- c. Part III on Preventive Measures.

Please insert text here

- d. Part IV on Enforcement.

Please insert text here

- e. Part V on Mediation

Please insert text here

- f. Part VI on Article 13(1)(b)

Recently, it is the most widely consulted and disseminated guide, as it is the latest one published. Uruguay actively participated in its elaboration, with the participation of its Central Authority as liaison judge in the group of experts, and has disseminated it internally through seminars.

- g. Transfrontier Contact Concerning Children – General Principles and Guide to Good Practice

Please insert text here

55. How has your Central Authority ensured that the relevant authorities in your State have been made aware of, and have had access to the Guides to Good Practice?

²² All Parts of the Guide to Good Practice under the 1980 Convention are available on the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

Please insert text here

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

Please insert text here

57. In what ways have you used the *Practitioner's Tool: Cross-Border Recognition and Enforcement of Agreements Reached in the Course of Family Matters Involving Children*²³ to assist in improving the practical operation of the 1980 Convention in your State?

Please insert text here

Other

58. What other measures or mechanisms would you recommend:

a. to improve the monitoring of the operation of the 1980 Convention;

Please insert text here

b. to assist States in meeting their Convention obligations; and

Please insert text here

c. to evaluate whether serious violations of Convention obligations have occurred?

Please insert text here

²³ The *Practitioner's Tool* is available at the HCCH website at www.hcch.net under "Child Abduction Section" then "Guides to Good Practice".

PART III – NON-CONVENTION STATES

59. Are there any States that you would particularly like to see become a Contracting 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:

[Please insert text here](#)

60. Are there any States which are not Party to the 1980 Convention or not Members of the HCCH that you would like to see invited to the SC meeting in 2023?

Please indicate:

[Please insert text here](#)

The “Malta Process”²⁴

61. Do you have any suggestions of activities and projects that could be discussed in the context of the “Malta Process” and, in particular, in the event of a possible Fifth Malta Conference?

Please explain:

[Please insert text here](#)

²⁴ The “Malta Process” is a dialogue between certain Contracting 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 HCCH website at www.hcch.net under “Child Abduction Section” then “Judicial Seminars on the International Protection of Children”.

PART IV – PRIORITIES AND RECOMMENDATIONS FOR THE 2023 SC AND ANY OTHER MATTERS

Views on priorities and recommendations for the SC

62. Are there any particular issues that your State would like the SC meeting to discuss in relation to the 1980 Convention?

Please specify and list in order of priority if possible:

- The role of the applicant defender. In some countries, when a public defender is appointed, they have no contact at all with the applicant. The applicant remains "blind" during the procedure, and his/her voice is not taken into consideration besides what was written in their application. In some countries, the applicant defender decides on their own whether or not to appeal, without listening to the applicant's opinion.

- Expedited processes. In some countries, the processes take a long time. Administrative delays at the beginning, and later during the judicial process. In some countries, the possibility of filing appeals seems to have no limits, and the processes are extended indefinitely. The judgments obtained after these lethargic procedures are always unfair because if decide to return the child, they will do so to a country that, due to the facts, has ceased to be their habitual residence, but if the return is denied, the abductor would be rewarded, the parent who acted in good faith is punished, and these cases are encouraged to multiply.

63. Are there any proposals your State would like to make concerning any particular recommendation to be made by the SC?

Please specify:

Please insert text here

Bilateral meetings

64. Should your State be interested in having bilateral meetings during the SC meeting, please indicate, for the PB's planning purposes, an estimate of how many States with which it intends to meet:

Please insert number:

1

Any other matters

65. States are invited to comment on any other matters which they may wish to raise at the 2023 SC meeting concerning the practical operation of the 1980 Convention.

Please provide comments:

Please insert text here