

<b>Title</b>	Compilation of responses received to the January 2023 Questionnaire on the 1980 Child Abduction Convention
<b>Document</b>	Prel. Doc. No 7 of June 2023 – <i>available in English only with responses in the language in which they were received</i>
<b>Author</b>	PB
<b>Agenda item</b>	TBD
<b>Mandate(s)</b>	C&D No 16 of CGAP 2021, C&D No 15 of CGAP 2022
<b>Objective</b>	To share the responses received until June 2023 from HCCH Members and Contracting Parties to the 1980 Child Abduction Convention to Prel. Doc. No 4 of January 2023
<b>Action to be taken</b>	<div>For Decision <input type="checkbox"/></div> <div>For Approval <input type="checkbox"/></div> <div>For Discussion <input type="checkbox"/></div> <div>For Action / Completion <input type="checkbox"/></div> <div>For Information <input checked="" type="checkbox"/></div>
<b>Annexes</b>	N/A
<b>Related Document(s)</b>	<a href="#">Prel. Doc. No 4 of January 2023</a> – Questionnaire on the Practical Operation of the 1980 Child Abduction Convention

# **Compilation of responses received to the January 2023 Questionnaire on the 1980 Child Abduction Convention**

**Last update: 28-06-2023**

**List of States or territorial units included in this compilation:**

Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, Montenegro, New Zealand, Panama, Peru, Poland, Portugal, Singapore, Slovakia, South Africa, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela

## PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

### Recent developments in your State<sup>1</sup>

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

Bulgaria, Chile, China (Hong Kong SAR), Colombia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, Honduras, Iceland, Israel, Italy, Jamaica, Lithuania, Montenegro, New Zealand, Panama, Peru, Portugal, Singapore, Switzerland, United Kingdom (Northern Ireland), United States of America

Yes

Argentina, Australia, Belgium, Brazil, Canada, China (Macao SAR), Costa Rica, El Salvador, Estonia, France, Georgia, Germany, Japan, Latvia, Poland, Slovakia, South Africa, Spain, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Scotland), Uruguay, Venezuela

Please specify:

Argentina	In 2017, a Pilot Project for the Implementation of Mediation for the Application of International Child Abduction Conventions ( <a href="https://actualidadjuridicaonline.com/wp-content/uploads/2020/08/ADJ-0.944220001598454346-1.pdf">https://actualidadjuridicaonline.com/wp-content/uploads/2020/08/ADJ-0.944220001598454346-1.pdf</a> ) was designed by the National Commission for Access to Justice of the Supreme Court as a complement to the Action Protocol for the Operation of International Child Abduction Agreements (link: <a href="http://www.cnaj.gob.ar/cnaj/docs/nacionalConvSustraccion.pdf">http://www.cnaj.gob.ar/cnaj/docs/nacionalConvSustraccion.pdf</a> ).
Australia	
Belgium	<p>L'adoption, au sein de l'Union européenne du Règlement 2019/1111 relatif, notamment, à l'enlèvement international d'enfants a nécessité la modification de plusieurs dispositions du code judiciaire. Voir loi du 20 juillet 2022 portant exécution du règlement (UE) 2019/1111 du Conseil du 25 juin 2019 relatif à la compétence, la reconnaissance et l'exécution des décisions en matière matrimoniale et en matière de responsabilité parentale, ainsi qu'à l'enlèvement international d'enfants (refonte) <a href="https://www.ejustice.just.fgov.be/mopdf/2022/07/29_1.pdf#Page11">https://www.ejustice.just.fgov.be/mopdf/2022/07/29_1.pdf#Page11</a></p> <p>Cette loi modifie, notamment le chapitre XIIbis du code judiciaire concernant les demandes transfrontières relatives à la responsabilité parentale et la protection des enfants.</p> <p>Notamment, le Code judiciaire intègre désormais :</p> <ul style="list-style-type: none"> <li>- Le délai de 6 semaines</li> <li>- Une obligation pour le greffe d'informer les parties de la possibilité de mode de résolution amiable des conflits</li> <li>- La possibilité de recourir aux chambres de règlement amiable établies au sein des tribunaux de la famille pour les demandes de retour en insistant sur le respect du délais de six semaines</li> </ul>

<sup>1</sup> 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").

	<p>La possibilité pour le juge d'acter l'accord des parties sur le fond du droit de garde, d'organiser les contacts avec le parent délaissé et de prendre des mesure de protection pour accompagner le retour de l'enfant.</p> <p>La procédure lié au mécanisme de renvoi prévu par le Règlement européen a également été modifiée afin de se conformer au prescrit de l'article 29 du nouveau Règlement.</p> <p>En matière d'exécution, le nouveau texte prévoit que le tribunal invite les parties à débattre des modalités d'exécution de la décision et peut, le cas échéant, les fixer d'office au regard de l'intérêt supérieur de l'enfant. Cette disposition facilitera, on espère la bonne mise en œuvre des décision de retour</p> <p>Certaines modifications procédurales, ont également été réalisées afin d'assurer la célérité des procédures (délai de citation, de comparution, etc).</p> <p>Enfin, d'autre modification ont été apportées au code judiciaire afin de tenir compte de la suppression de l'exequatur et de permettre l'exécution, en Belgique, des décisions rendues en application du Règlement 2019/1111 comme s'il s'agissait de décisions belges.</p>
<b>Brazil</b>	<p>In 2018 there was the edition of Resolution 257, but more recently, in 2022, there was the edition of Resolution 449, of the National Council of Justice, foreseeing procedural rules for actions based on the 1980 Hague Convention.</p> <p>In addition, there is a draft law under discussion that aims to regulate administrative and judicial procedures for the application of the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Decree No. 3,413/2000) and the 1989 Inter-American Convention on International Child Abduction (Decree No. 1,212/94). The proposal was presented to the Minister of Justice and Public Security by the President of the Federal Justice Council-CJF and is the result of deliberations by the Study Group on the Civil Aspects of International Child Abduction (GESIC), which was established within the scope of the Federal Justice Council to, among other responsibilities, propose improvements to the regulations concerning international child protection.</p>
<b>Bulgaria</b>	
<b>Canada</b>	<p>ONTARIO: Effective October 3, 2022, amendments were made to the Family Law Rules, O. Reg. 114/99 (<a href="https://www.ontario.ca/laws/regulation/990114">https://www.ontario.ca/laws/regulation/990114</a>) to support the expeditious resolution of international child abduction cases. The new rule 37.2 includes requiring:</p> <ul style="list-style-type: none"> <li>- a first meeting of the parties with a judge not later than seven days after the case is started,</li> <li>- these cases to be disposed of within six weeks,</li> <li>- wherever possible a judge will be assigned at the start of the case to manage it and monitor its progress, and</li> <li>- that the hearing will be by the judge who attends the first meeting.</li> </ul> <p>ALBERTA: Effective July 1, 2022, the Court of King's Bench of Alberta has implemented a new Practice Note to govern the procedural rules for applications under the 1980 Convention: <a href="https://albertacourts.ca/docs/default-source/qb/revised-family-practice-note-6.pdf?sfvrsn=d1748883_12">https://albertacourts.ca/docs/default-source/qb/revised-family-practice-note-6.pdf?sfvrsn=d1748883_12</a> FEDERAL LEVEL: Former Bill C-78, An</p>

Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act ([https://www.parl.ca/Content/Bills/421/Government/C-78/C-78\\_4/C-78\\_4.PDF](https://www.parl.ca/Content/Bills/421/Government/C-78/C-78_4/C-78_4.PDF)), which received royal assent in June 2019, included amendments to federal family laws that are applicable in cases of international child abduction.

Amendments to Canada's Divorce Act (<https://laws-lois.justice.gc.ca/eng/acts/d-3.4/>) in former Bill C-78 that apply to cases of international child abduction came into force on March 1, 2021:

- The court can now include provisions in a parenting order (formerly known as a custody order) that will assist in preventing parental child abduction including an order that parenting time be supervised (ss. 16.1(8)) and a non-removal clause to prohibit the removal of a child from a specified geographic area without appropriate consent (ss. 16.1(9)). Non-removal clauses can help to prevent parental child abduction by clarifying for parents and third parties that a parent is not authorized to travel with a child outside of the identified geographic area (e.g. a province or Canada).

- The Divorce Act's relocation scheme requires parents to give 60 days' notice before a proposed move that will have a significant impact on the child's relationship with their parents or other important people in their lives when there is an existing Divorce Act parenting (custody) order. The notice must include a proposal for modification of parenting arrangements and a parent may object to the proposed move within 30 days of receiving notice.

- A Canadian court can only take jurisdiction to make a parenting order (spouse) or contact order (non-spouse) when a child is habitually resident outside Canada in exceptional circumstances and if the child is present in the province or territory (s. 6.3). A non-exhaustive list of factors that the court must consider when determining whether there are exceptional circumstances includes whether there is a sufficient connection between the child and the Canadian province or territory, the urgency of the situation, avoiding multiple proceedings, and discouraging child abduction.

Former Bill C-78 included changes to the trace and locate services under Part I of the Family Orders and Agreements Enforcement Assistance Act (FOAEAA)(<https://laws-lois.justice.gc.ca/PDF/F-1.4.pdf>). These changes, once in force, will allow for federal, provincial and CAs under certain designated conventions, including the 1980 Convention, to apply and receive information that can assist in locating the missing child or children and the person who is believed to have the child or children with them. Regulatory amendments are required to implement these changes. Both legislative and regulatory changes are expected to come into force in the coming year.

The amendments to the Divorce Act and the Family Orders and Agreements Enforcement Act in former Bill C-78 were part of significant package of amendments to federal family laws related to divorce, parenting and enforcement of family obligations. The legislative amendments promote the best interests of the child, address family violence, help to reduce child poverty, and make Canada's family justice system more accessible and efficient. As the amendments have only been

	in force for two years and international travel was significantly impacted by the Covid-19 pandemic, it is not yet possible to assess the impact of the Divorce Act amendments in cases of international child abduction.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	In 2022, the Central Authority of the Macao SAR elaborated a process guidance for international child abduction cases regarding access applications, based on the Guide to Good Practice under the 1980 Convention. It is worth recalling that in 2015 a process guidance for international child abduction cases regarding child return applications was established based on the said Guide.
<b>Colombia</b>	
<b>Costa Rica</b>	Family Procedure Code which enters into force in October 1, 2024  Circular 11-2019 del Superior Council of the Supreme Court Protocol for virtual hearings in Family Matters, this involve Abduction /access cases. Circular 144-2020 of Supreme Court.
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	Resolution 480-2008, dated March 6, 2008, issued by our Supreme Court of Justice establishes the Procedure to hear the request for restitution of a minor illegally transferred to the Dominican Republic. This legal norm is still in force in our country, and has served as a model law for other countries in the region in order to guarantee the correct application of the 1980 Hague Convention on the Civil Aspects of International Child Abduction to all minors. person transferred to or illegally retained in any State Party.
<b>Ecuador</b>	
<b>El Salvador</b>	a) La entrada en vigencia de la Ley Crecer Juntos para la Protección Integral de la Primera Infancia, Niñez y Adolescencia, la cual señala a la Procuraduría General de la Republica como autoridad central de aplicación del Convenio sobre sustracción (art. 71), así como la determinación específica de tramitación mediante proceso abreviado para los casos de sustracción (art. 274 literal "h").  b) Creación de mas Tribunales Especializados de Niñez y Adolescencia. Haciendo un total de: 7 Juzgados Especializados de Niñez y Adolescencia (14 jueces) y 2 Cámaras Especializadas de la Niñez y Adolescencia.
<b>Estonia</b>	Referring to EU reply. Also, in Estonia changes according to the BIIB have been made in our national legislation (e.g Code of Civil Procedure and the Child Protection Act), for example the part about hearing the child and placements of children. Also, the competent courts for international abduction cases are now only Harju County Court and Viru County Court.
<b>Finland</b>	The Act on Child Custody and Right of Access (361/1983) contains the procedural rules for the return proceedings in Finland. There hasn't been any significant developments regarding the legislation and procedural rules.
<b>France</b>	La loi n° 2019-222 du 23 mars 2019 de programmation 2018-2022 et de réforme pour la justice a fusionné les tribunaux d'instance (TI) et de grande instance (TGI) situés dans une même commune depuis le 1er janvier 2020 pour former le tribunal judiciaire (TJ). Cette loi prévoit également aux articles 373-2 al. 3 et 373-2-6 du code civil les modalités d'exécution forcée des décisions fixant les conditions d'exercice de

	<p>l'autorité parentale. Le juge aux affaires familiales peut, même d'office, ordonner une astreinte ou condamner le parent qui fait délibérément obstacle de façon grave ou renouvelée à l'exécution d'une décision à une amende civile d'un maximum de 10 000 euros. Le procureur saisi d'une demande d'exécution peut requérir la force publique.</p> <p>Le décret n° 2019-1333 du 11 décembre 2019 introduit un article 514 au code de procédure civile qui instaure le principe de l'exécution provisoire de droit de toutes les décisions de première instance. Cependant, les décisions en matière de responsabilité parentale étaient déjà exécutoires de droit par provision auparavant, ainsi que les décisions du juge des enfants en matière de protection des mineurs. Ces dispositions de procédure civile interne s'appliquent également aux décisions rendues dans le cadre des enlèvements internationaux d'enfants.</p> <p>Le décret n° 2019-1419 du 20 décembre 2019 relatif à la procédure accélérée au fond devant les juridictions judiciaires, définit cette procédure - qui s'applique dorénavant au jugement des affaires de déplacement illicite d'enfants en première instance. La procédure ainsi remplacée était dite "en la forme des référés". Selon l'article 481-1 du code de procédure civile, "lorsqu'il est prévu par la loi ou le règlement qu'il est statué selon la procédure accélérée au fond, la demande est formée, instruite et jugée dans les conditions suivantes :</p> <p>1° La demande est portée par voie d'assignation à une audience tenue aux jour et heure prévus à cet effet ;</p> <p>2° Le juge est saisi par la remise d'une copie de l'assignation au greffe avant la date fixée pour l'audience, sous peine de caducité de l'assignation constatée d'office par ordonnance du juge, ou, à défaut, à la requête d'une partie ;</p> <p>3° Le jour de l'audience, le juge s'assure qu'il s'est écoulé un temps suffisant depuis l'assignation pour que la partie assignée ait pu préparer sa défense. La procédure est orale ;</p> <p>4° Le juge a la faculté de renvoyer l'affaire devant la formation collégiale, à une audience dont il fixe la date, qui statuera selon la procédure accélérée au fond ;</p> <p>5° A titre exceptionnel, en cas d'urgence manifeste à raison notamment d'un délai imposé par la loi ou le règlement, le président du tribunal, statuant sur requête, peut autoriser à assigner à une heure qu'il indique, même les jours fériés ou chômés ;</p> <p>6° Le jugement est exécutoire de droit à titre provisoire dans les conditions prévues aux articles 514-1 à 514-6 ;</p> <p>7° La décision du juge peut être frappée d'appel à moins qu'elle n'émane du premier président de la cour d'appel ou qu'elle n'ait été rendue en dernier ressort en raison du montant ou de l'objet de la demande. Le délai d'appel ou d'opposition est de quinze jours".</p>
Georgia	<p>On November 5, 2020, the Government of Georgia enacted an ordinance №663 which prescribes detailed rules on the rights and responsibilities of all the relevant state authorities that are involved in the referral and enforcement of the cases originated from the 1980 Hague International Child Abduction Convention and the 1996 Hague Convention. The main aim of the document is to effectively implement the principles and provisions of the 1980 and 1996 Hague Conventions 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. In order to effectively implement The Hague Conventions of 1980 and 1996 and the ordinance №663 of the Government of Georgia, in December,</p>



	2020 and January, 2021, representatives of state authorities involved in the referral and enforcement process were trained by the Central Authority of Georgia (57 participants in total).
<b>Germany</b>	The German implementing law (Act to Implement Certain Instruments in the Field of International Family Law- IFLPA) has been amended. These amendments have been mainly (but not exclusively) necessary with regard to the coming into effect of the Brussels IIb Regulation on 1 August 2022. In particular the local jurisdiction for declarations of wrongfulness (Art. 15 1980 HC) lies now with the specialized Hague courts.
<b>Honduras</b>	However, the Honduras State through the Directorate of Childhood, Adolescence and Family DINAF since March 2022 gave an important step creating the Technical Executer of Hague Convention Unit UTECH being this specialized unite in charge of resolve the requests based on the Hague Conventions which Honduras is part of. At the same way, the DINAF through this unit will create law projects, rules, guidelines in order to have a better application of the Hague Conventions.
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	<p>In May 2019, the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (The Implementation Act) was amended to enhance the effectiveness of compulsory execution of orders to return children, taking into account the interests of children. The amended Implementation Act was enacted in April 2020. The content of the amended Act is as follows:</p> <p>Prior to amendment, it was necessary to first go through the indirect compulsory execution procedure before the compulsory execution of orders to return children, in contrast, the amended Act stipulates that under certain requirements, compulsory execution may be enforced without performing an indirect compulsory execution.</p> <p>Prior to amendment, it was necessary for the child and obligor to be together at the time of compulsory execution of orders to return the child, the amended Act eliminates this requirement, stipulating that, in principle, the obligee must be present for the interests of the child. ?</p> <p>In cases where the compulsory execution of orders to return children are to be executed at the children's residence, it may be executed with the court's permission without the consent of the location occupant(s).</p>
<b>Latvia</b>	<p>From 1 August 2022 within the EU in international child protection matters the Brussels IIb Regulation has become applicable (see EU response to the questionnaire). In order to ensure appropriate application of the Brussels IIb Regulation, several amendments were made also to the Chapter 77.2 Cases Regarding the Wrongful Removal of Children across Borders to Latvia or Detention in Latvia" of the Civil Procedure Law. Worth mentioning is that the procedure for provisional decision on access rights to ensure contact between the child and the person seeking the return of the child has been introduced (Article 644.18A of the Civil Procedure Law) and the court's obligation to strive to reconcile the parties, and also offer to settle a dispute through mediation (where the court considers that it is possible) has been highlighted more clearly also in the child abduction cases (Article 644.19(8) of the Civil Procedure Law).</p> <p>Another significant development are amendments made in 2022 in the</p>



	Civil Procedure Law concerning international child abduction cases that allows the Court, that has concentrated jurisdiction since 2015, to take provisional decision in order to prohibit to take the child out of the State. Please see the Article 644.18A of the Civil Procedure Law. "
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	They are in project
<b>Poland</b>	The Act of 26 January 2018 on the performance of certain activities of the central authority in family matters in the field of legal transactions under European Union law and international agreements <a href="http://www.gov.pl/web/stopchildabductions/legal-actssert">www.gov.pl/web/stopchildabductions/legal-actssert</a> text here
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	On June 1st 2019 an amendment to the Civil Non-Dispute Code entered into force.  It regulates the possibility of submitting a motion for new trial in return proceedings
<b>South Africa</b>	The development of court practice directives that address expeditious hearing of the matters.
<b>Spain</b>	The year 2015 marked a legislative leap forward in Spain in the field of international legal cooperation and in relation to international child abduction. On 20 August 2015, Law 29/2015, of 30 July 2015, on international legal cooperation in civil matters (BOE, no. 182, of 31 July 2015) came into force, and on 23 July 2015, Law on voluntary jurisdiction no. 15/2015, 2 July, (BOE 03/07/2015) came into force, which introduced into the Civil Procedure Act (LEC) such relevant novelties as the new Chapter IV bis LEC, arts. 778 quater, 778 quinquies and 778 sexies on Measures relating to the restitution or return of children in cases of international child abduction", as well as amendments to Articles 525.1 and 749.1 of the LEC in relation to the suppression of the possibility of provisional enforcement and in relation to the greater safeguard entrusted to the Public Prosecutor's Office. The legislative developments of 2015 represented a clear commitment by Spain to speed procedures in first and second instance, concentration of jurisdiction and mediation, and received clear support with the Circular of the State Attorney General's Office 6/2015, on civil aspects of international child abduction insofar as it assumed the postulates of modernization included in the new Spanish domestic legislation. The new Spanish legislation opted for a contentious, special, preferential and urgent process (6 weeks in two instances except in exceptional cases) and was based on criteria of broad legitimation, custodian and non-custodian, delimiting a clear separation between civil and criminal matters, with no room for suspensions due to criminal prejudiciality (Article 778. quáter.6 LEC), apart from admitting at a special level, direct judicial communications and recourse to cooperation networks, Judge of the IHN and Liaison Judges (778. quater.7 LEC). The impossibility of examining the merits of the case was emphasized (Art. 778. quinquies.9 LEC) in accordance with arts. 16 and 19 HC 1980) and a rapid appeal was regulated in two effects, in 20 days and preferential, with no possibility of provisional enforcement. The mandatory presence of the Public Prosecutor's Office in these proceedings was clarified, and defense by a lawyer and representation by a "Procurador" were required, measures in line with the technical complexity of these proceedings and their

	<p>contentious nature, as well as allowing for precautionary measures throughout the proceedings and the possibility of visits with the non-abducting parent. The Spanish reform of 2015 improved enforcement (Articles 778.quinquies.9, 10 and 13 LEC) and enhanced the role of the central authority for its effectiveness. Another key aspect of the reform was the hearing of the child, where the presence of the Public Prosecutor was now required (Article 778.quinquies.8 LEC), which must be held separately, and with the possibility of using videoconferencing systems. In terms of mediation, the 2015 reform opted decisively for its enhancement (Article 778.quinquies.12 LEC), admitting it at any time, placing no prior limits on the object of the mediation or the subsequent hypothetical execution of the mediated agreement, even across borders. It should be noted that in 2015 two new and much needed legal instruments were introduced in Art. 778.sexies LEC. One, the actual possibility of obtaining a declaration specifying that the removal or retention has been wrongful and two, the possibility of obtaining a declaration under Article 15 of the Convention of 25 October 1980, involving the Spanish central authority in aiding the applicant.</p> <p>The provision for precautionary measures in the civil sphere contained in Articles 103 and 158 of the Civil Code remain in force, and Royal Decree 411/2014 would be added to these in issuing ordinary passports. Since then, for the issuance of passports to children or persons with disabilities, the express consent of those who have been attributed the exercise of parental authority or guardianship must be recorded, with the indication, for their part, that their exercise is not limited to provide it, otherwise they must make up for their lack of consent with judicial authorization.</p> <p>For intra-EU child abductions, the new 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 (recast), or new Regulation Brussels IIb, has been in application in Spain since 1st August 2022. Spain had implemented the previous Regulation Brussels IIa domestically in 2015 in the Final Provision 22nd LEC on measures to facilitate the application of the Brussels IIa Regulation in Spain, but the future new legislative development of the Brussels IIb Regulation is currently pending. Only in cross-border placement of a child, the new Organic Law 8/2021 has introduced in the Organic Law 1/1996 on the protection of minors the new Articles 20 ter to 20 quinquies to regulate conditions and procedure applicable to requests for cross-border placement of children under Regulations Brussels IIa (art. 56), Brussels IIb (art. 82) and HC 19.10.1996 (art. 33)."</p>
<b>Switzerland</b>	
<b>Türkiye</b>	<p>Before the amendment made on 30.11.2021, while the enforcement offices were responsible for the execution of the orders regarding the delivery of the child and establishing a personal relationship with the child, these procedures are now carried out by the Directorates of Judicial Support and Victims Services established by the Ministry of Justice.</p> <p>Delivery of a child and establishing a personal relationship with the child are regulated under the Child Protection Law.</p> <p>It is aimed not to cause secondary traumatization of the children, who are worn out during the parental separation, unfair removal and detention process and afterwards, by considering the best interest of children and by carrying out these procedures, which were carried out by the Enforcement</p>

	Directorates in the past, in the delivery places designed for the benefit of children, accompanied by the experts or guidance teachers.
Ukraine	<p>In 2017 and in 2020 amendments were adopted to the Procedure of Operation on the Territory of Ukraine of the 1980 Convention, approved by the Decree of the Cabinet of Ministers of Ukraine of July 10, 2006 № 952. The mentioned amendments had the aim to facilitate the cooperation of the authorities, involved in operation of the 1980 Convention and to strengthen their interaction. In particular, the amendments specified the order of obtaining from the State Migration Service of Ukraine (in case if an abductor or a child has a foreign citizenship) or from the local registration offices information of the registration of the place of residence or whereabouts of the child and abductor (in case the applicant mentioned in the application only the name of the town, city, village without specifying an address).</p> <p>Also, the State Migration Service of Ukraine is should to provide the CA with the information on the decision made regarding the granting to the child and/or the person, with whom the child is on the territory of Ukraine, the status of a refugee or a person in need of additional protection in accordance with the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection". By the amendments was foreseen the possibility to refer to the Ministry of Social Policy of Ukraine in order to obtain information from the Unified Information Database on Internally Displaced Persons.</p> <p>By the amendments in 2017 the Procedure of Operation of the 1980 Convention was supplemented by the grounds for closing the file by the CA. The CA has right to stop the operation the return or access application if:</p> <ol style="list-style-type: none"> <li>1) communication with the applicant has been lost (failure to provide by the applicant a written response to the request of the Ministry of Justice within six months from the date of the original date of the letter to the Ministry of Justice);</li> <li>2) a settlement agreement has been concluded between the parties regarding the child's place of residence and/or the order for access to the child;</li> <li>3) an applicant refused to take further measures in the case;</li> <li>4) a child actually returned to the state of habitual residence;</li> <li>5) a decision of the court, by which the case on ensuring the implementation of rights of access to the child was decided on the merits, became legally binding;</li> <li>6) there are no legal grounds for submission of an appeal and/or cassation against the decision of the court of first and/or appeal instance;</li> <li>7) there is no information on the whereabouts of the child and abductor parent on the territory of Ukraine;</li> <li>8) there is no information about the child's entry into the territory of Ukraine, except in the case when the location of the child in the territory of Ukraine has actually been established by the National Police of Ukraine.</li> </ol> <p>In 2020 this list was added, by 5 new grounds, namely, the CA has right to stop the operation the return or access application if:</p> <ul style="list-style-type: none"> <li>- was obtained information that the child and/or the person, with whom the child is on the territory of Ukraine, got the status of a refugee or a person in need of additional protection;</li> <li>- an enforcement agent sent to the pre-trial investigation body a notification about the debtor's commission of a criminal offense and issued a resolution on the termination of the enforcement proceedings,</li> </ul>

	<p>with the exception of the resumption of the enforcement proceedings as a result of the court's annulment of the enforcement agent resolution on the termination of the enforcement proceedings;</p> <ul style="list-style-type: none"> <li>- a case was closed by the foreign CA;</li> <li>- six months have passed since the applicant was informed about the court of a foreign state competent to consider the case on the basis of the 1980 Convention, with respect to those states that have made the reservation in accordance with Articles 26, 42 of the 1980 Convention, if the domestic legislation of the foreign state does not provide for the provision of further assistance to the applicants in the case;</li> <li>- six months have passed since the applicant was informed about the court of Ukraine, competent to consider the case on the basis of the 1980 Convention, in relation to the applicants residing on the territory of the states that have made the reservation in accordance with Articles 26, 42 of the Convention, and in the case when the applicant applied to a lawyer or other duly appointed a private representative.</li> </ul> <p>By the amendments also were revised the functions of the CA, in particular were deleted some of the functions, that no longer had been provided by the CA. For example, it was foreseen that the CA facilitates the applicant to translate the outgoing return application and supporting documents as well as obtaining the additional information. Due to the lack of resources, the CA had no possibility to arrange the translations. Thus by the amendments in 2017 these duties were deleted from the Procedure. It was also foreseen by the amendments that as regard the outgoing return application the duties of the CA in case of delivering the return decision are only limited by the obligation to inform the applicant about the decision made and measures to be taken by the applicant to ensure the child's return to Ukraine based on information from the central authority of a foreign state.</p> <p>In addition, the functions of the CA were changed as regard to the enforcement of the court orders on return of the child from Ukraine to the foreign State. In particular, in case the applicant has the attorney (hired by his/her wish or because the contracting State has done the reservation to Article 26, 42 of the Convention) the CA only provides to the applicant the information on procedure of enforcement of the court decision on return of the child. In case if the territorial department of justice present the interests of the applicant before the court, the CA receives from the territorial body information on the progress of enforcement proceedings and on the measures taken to enforce the court decision on the return of the child, and sends it to the foreign CA. The Ukrainian CA also informs the central authority of a foreign state about the need to involve the competent authorities to assist the child and ensure the protection of his/her rights upon return. In 2017 the Procedure of Operation on the Territory of Ukraine of the 1980 Convention was amended by the provisions that foresee that the Ministry of Justice of Ukraine acts on the principle of reciprocity when the applicant resides in the State, having made reservations to Articles 26 and 42 of the 1980 Convention. In this case the CA does not represent the applicant in the court. The applicant has right to apply for free legal aid to hire a private lawyer with this purpose. Some of the amendments also had the technical character and were connected with the changes of the names of the territorial bodies of the Ministry of Justice or the names of the state authorities in Ukraine, involved in the operation of the 1980 Convention.</p>
<p><b>United Kingdom (England and Wales)</b></p>	<p>Part 12 Chapter 6A Family Procedure Rules 2010 (FPR), 1 October 2022. This makes special provision concerning return proceedings, including</p>

	<p>under the 1980 Hague Convention (hereinafter the 1980 Hague), in proceedings with links to asylum claims.</p> <p>Revised Practice Guidance on Case Management of Child Abduction Proceedings issued 9 March 2023 by the President of the Family Division of the High Court together with guidance from the Senior President of Tribunals (SPT). (Any appeal from the refusal to grant asylum is to a Tribunal.) The Family Division guidance deals with the case management of child abduction proceedings with a concurrent protection claim following the decision of the UK Supreme Court (UKSC) in G v G see Q3.</p>
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	Exit of the United Kingdom from the European Union. Article 11 Council Regulation 2201/2003 ceased to apply to Hague cases involving EU Member States and UK.
<b>United States of America</b>	
<b>Uruguay</b>	<p>Article 44 of Law No. 19.580. on Gender-based violence against Women. Date: 22/Dic/2017</p> <p>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.</p> <p>With the amendment, Art. 15 now states as following: Article 15 – Raising of objections.</p> <p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<b>Venezuela</b>	A partir de 2017, Venezuela ha dictado decisiones judiciales, sea a través de la práctica jurisprudencial, y normas procesales, administrativas y judiciales, aplicables en las solicitudes de restitución de NNA, tales como, la Resolución 2017-0019, del 14 de agosto de 2019, por medio de la

cual, el Tribunal Supremo de Justicia establece el Procedimiento a seguir para la aplicación del Convenio de La Haya del 25 de octubre de 1980, Sobre los Aspectos Civiles de la Sustracción Internacional de Menores, en todos los Circuitos Judiciales de Protección de Niños, Niñas y Adolescentes a nivel nacional. En relación a normas de procedimiento de carácter sublegal, se han suscrito convenios interinstitucionales que contemplan la cooperación para el fortalecimiento en la atención y protección integral de los NNA en el marco de las competencias asignadas a la Oficina de Relaciones Consulares como Autoridad Central Venezolana. También se han firmado convenios interinstitucionales para la reunificación de los NNA venezolanos en el exterior con sus familiares y representantes legales en Venezuela. Desde el punto de vista migratorio, se establecieron lineamientos y requisitos que deben ser exigidos por las distintas instancias venezolanas con competencia notarial (notarías, secciones consulares y consulados) para el otorgamiento de autorizaciones de viaje de NNA dentro y fuera del territorio nacional, donde se estableció entre otras cosas, que no se podrán emitir autorizaciones de viaje por un lapso mayor de 90 días, cuyo objetivo principal es prevenir el traslado ilícito y la retención indebida, garantizando el traslado seguro, ordenado y regular de los NNA. Por otra parte, es importante destacar que actualmente se encuentra en discusión un proyecto de Ley, sobre el Procedimiento de Restitución Internacional, el cual está siendo sometido a consideración por el órgano legislativo venezolano, para su discusión y promulgación.

2. Following the Covid-19 pandemic,<sup>2</sup> 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>Argentina</b>	Applications are accepted in digital format without the need for paper support
<b>Australia</b>	Effective methods already in place continue to be used.
<b>Belgium</b>	La communication par e-mail est privilégiée et les demandes sont traitées sur base de documents électroniques à moins que le tribunal requiert la transmission de documents originaux.
<b>Brazil</b>	The use of electronic proceedings in the Central Authority and Brazilian federal courts, as well as remote hearings have facilitated the continuation of actions based on the Convention, in addition to the acceptance of electronic documents.
<b>Bulgaria</b>	we use mostly and primarily e-mail
<b>Canada</b>	In all jurisdictions, applications can be transmitted electronically to the CA. Some jurisdictions (e.g. Nova Scotia, Manitoba) however require original documents to follow.  In some jurisdictions (e.g. Alberta, Ontario) the Court uses an electronic filing process for documentation and electronic court document.
<b>Chile</b>	

<sup>2</sup> 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.



<b>China (Hong Kong SAR)</b>	We continue to accept return and access applications made by electronic means. In addition, during the Covid-19 pandemic, each of our legal staff has been provided with a laptop computer for working at home. We can access work emails remotely and consequently, process the applications without delay despite the pandemic.
<b>China (Macao SAR)</b>	<p>The Central Authority of the Macao SAR generally accepts applications and accompanying documentation transmitted by electronic means, but submission in paper version is recommended for authenticity verification. As for the courts in the Macao SAR, according to Law 5/2022 on Electronic Submission of Litigation Documents and Payments, litigating parties and their legal representatives who meet legal requirements and regulations may choose to submit documents and pay litigation fees by electronic means.</p> <p>Law 5/2022 on Electronic Submission of Litigation Documents and Payments is available in Chinese and Portuguese respectively on <a href="https://bo.io.gov.mo/bo/i/2022/25/lei05_cn.asp">https://bo.io.gov.mo/bo/i/2022/25/lei05_cn.asp</a> and <a href="https://bo.io.gov.mo/bo/i/2022/25/lei05.asp#5">https://bo.io.gov.mo/bo/i/2022/25/lei05.asp#5</a>.</p>
<b>Colombia</b>	<p>On October 2020 we implemented a virtual form for the incoming and outgoing Hague Return requests</p> <p><a href="https://sim.icbf.gov.co/SEACOnline/Page/SEACOnline/SolicitudRestitucionRegulacion/List.aspx">https://sim.icbf.gov.co/SEACOnline/Page/SEACOnline/SolicitudRestitucionRegulacion/List.aspx</a></p>
<b>Costa Rica</b>	Todos los procesos se aceptan de forma digital. All applications are accepted digitall by the digital system of the Court, because all the files are digital.
<b>Cyprus</b>	APPLICATIONS ACCEPTED BOTH BY REGULAR MAIL AND EMAIL
<b>Czech Republic</b>	No
<b>Denmark</b>	No
<b>Dominican Republic</b>	This Dominican Central Authority continues to allow the use of information technologies, making it easier for other central authorities to receive case documents based on article 7 of the 1980 Hague Convention, accepting their formal presentation through our emails. official accounts.
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	Yes
<b>Finland</b>	Email and eletronic attachments are used as main method of accepting and processing applications and documents. These methods have been in use prior COVID and their utilisation has increased.
<b>France</b>	<p>L'autorité centrale française accepte et traite depuis plusieurs années, bien antérieurement à la pandémie de Covid-19, les demandes qui lui sont transmises par la voie électronique et communique quasi-exclusivement par e-mail avec les autorités centrales étrangères, les requérants et leurs conseils. Lorsque les autorités centrales étrangères ne le refusent pas, elle privilégie par ailleurs systématiquement un envoi des demandes et des pièces qui les accompagnent par la voie électronique.</p> <p>En ce qui concerne les juridictions, les échanges avec différents acteurs de la procédure peuvent avoir lieu par la voie dématérialisée (par courriel, possibilité d'utiliser le réseau privé virtuel des avocats - RPVA, comme pour toute instance civile). En revanche, l'assignation du parent ravisseur est réalisée par un commissaire de Justice, qui remet l'acte au parent en personne ou à étude.</p>
<b>Georgia</b>	Acception and processing of return and access applications were conducted via email and fax.



<b>Germany</b>	Flexibility in respect to home office and digital files is very much appreciated since it speeds up communication. Whereas in the past files were often only accepted and evaluated upon reception in classic writing, electronic communication is now not the exception but the rule.
<b>Honduras</b>	All the documentation is tramited digitally in the Main Office regarding the Article 23 of the Convention
<b>Iceland</b>	
<b>Israel</b>	It was not necessary to adopt new procedures or practises, as it was also the practice of the Israel Central Authority (hereinafter: ICA) prior to the Covid-19 pandemic to process cases received by email.
<b>Italy</b>	No.
<b>Jamaica</b>	We continue to receive applications via email and hearings are done through various online platforms
<b>Japan</b>	Since December 2020, applicants have been able to submit applications for assistance to the Japanese Central Authority (JCA) by e-mail.
<b>Latvia</b>	The Central Authorities mostly allows for the applications and further correspondence to be sent only via e-mail.
<b>Lithuania</b>	The Central Authority started accept the documents sent by e-mail and does not request to provide the hard copies of applications and accompanying documents. Most of official documents addressed to other institutions and persons are signed by electronic signature.
<b>Montenegro</b>	
<b>New Zealand</b>	<p>Covid-19 saw the increased use of technology. We have found that as courts became more familiar with the technology there has been an increase in requests for the participation of the LBP in court hearings or witnesses sought.</p> <p>The requirement for original documents to be transmitted to the requested State has significantly reduced. While documents were transmitted electronically prior to the pandemic, the original documents are no longer required to follow by courier or post which may reduce delay in the progress of cases.</p>
<b>Panama</b>	<p>By means of the 173 of 27 May 2020 agreement, the Plenary Supreme Court of Justice dictated measures and actions that allow the restoration to the system´s users attention guaranteeing accesss to the Justice by technological process.</p> <p>The use of email for internal and external communications is promoted. This allows applications for restitution from the central authority to be referred to the children's courts, which are competent to decide on applications filed by the requesting parties of Contracting States to the Convention.</p> <p>There is a single Entry Register (RUE) for the presentation of documents electronically.</p> <p>The electronic court file has been implemented as of 13 June 2022.</p>
<b>Peru</b>	<p>At Central Authority level: Following the Covid 19 pandemic, within the framework of Law 31170 - Law that provides for the implementation of the digital parts desk, the Virtual Parts Desk was implemented by accessing the Link: <a href="https://sgd.mimp.gob.pe/mpde">https://sgd.mimp.gob.pe/mpde</a> Interviews with abducting parents are also conducted via Zoom, Google Meet and Whats App.</p> <p>At the level of the judiciary: after the Covid 19 pandemic, we consider that there have been improvements in the processing of judicial processes,</p>

	<p>including international restitution processes, since we use applications such as:</p> <ul style="list-style-type: none"> <li>- Mesa de Partes Virtual (SINOE), it is possible to present claims, appeals and all types of procedural documents, from the place where the defendant is located,</li> <li>- Consult information on the Magistrate hearing the case, on the scheduling of hearings, schedule an appointment with the Magistrate, under the application The Judge listens to you, schedule an appointment for the Table of Parties, through the platform indicated below.</li> <li>- Conduct hearings using Google Meet, Zom and Whats App. This makes it easier for the parties to the proceedings to be heard from wherever they are, it is not necessary for them to come to Peru, as they can participate in the hearings from their place of residence. This makes effective the Principle of Procedural Immediacy that guarantees the direct relationship that must exist in these processes between the Judge and the parties and the Judge and the evidence.</li> <li>- To carry out the generality of notifications to the parties and third parties by means of Electronic Notification. In these cases, it is no longer necessary to notify by physical letter, which generates delays, since in the case of notifications to persons domiciled abroad, International Letters Rogatory and/or Letters Rogatory are required, which generate expenses and delay the process, since the hearings had to be scheduled within a reasonable period of time until the return of the notification to the country of residence of the parties, if the Judge so ordered. Now, with electronic notification, this notification procedure is shortened and the process is made effective and speedy.</li> </ul> <p>Electronic notification is regulated in Article 155-A of the Texto Único Ordenado de la Ley Organica del Poder Judicial which states: Electronic notification is an alternative to notification by letter and it is compulsory in all contentious and non-contentious proceedings before the jurisdictional bodies of the Judiciary. (...)"</p> <p>Article 155-D of the above-mentioned Texto Unido Ordenado regulates: "The lawyers of the parties to the proceedings, whether or not they are public defenders, public prosecutors and public prosecutors must register in an electronic box, which is assigned by the Judiciary without exception. The Judiciary, through its Executive Council, is responsible for issuing the necessary provisions to implement and enable the assignment of electronic mailboxes of the Judiciary, as well as the rules for the processing of electronic notifications. The obligatory nature of assigning electronic boxes applies to appeals for cassation that are filed as of the entry into force of this Law and, as long as this obligation is not provided for, notification by writ of summons in accordance with the applicable provisions of the Code of Civil Procedure shall continue to apply. The provisions of the present Law shall not apply to those persons who litigate without captive defence by express provision of the law, unless they so request.</p> <p>" <a href="https://casillas.pj.gob.pe/sinoe/login.xhtml">https://casillas.pj.gob.pe/sinoe/login.xhtml</a> <a href="https://www.gob.pe/institucion/pj/tema/contacto-con-poder-judicial">https://www.gob.pe/institucion/pj/tema/contacto-con-poder-judicial</a> <a href="https://www.gob.pe/13971-solicitar-citas-para-mesa-de-partes-en-el-poder-judicial">https://www.gob.pe/13971-solicitar-citas-para-mesa-de-partes-en-el-poder-judicial</a> "</p>
<b>Poland</b>	The PCA accepts applications and documents sent via email. However, any documentation sent electronically is not accepted by the court/administrative authority. This is because the application must be signed personally by the applicant or his attorney. The application must be submitted in original.
<b>Portugal</b>	

<b>Singapore</b>	The Singapore Central Authority primarily accepts return and access applications via email.
<b>Slovakia</b>	N/A
<b>South Africa</b>	Electronically and via courier
<b>Spain</b>	No
<b>Switzerland</b>	Les requêtes en provenance d'une autre autorité centrale sont maintenant acceptées aussi par courriel. Les requêtes des particuliers doivent en revanche toujours être accompagnées par le formulaire de requête en original. Déjà avant la pandémie, la communication avec notre Autorité centrale se passait largement par courriel.
<b>Türkiye</b>	The Turkish Central Authority primarily accepts return and access applications via email provided that the original documents are sent subsequently.
<b>Ukraine</b>	<p>Because of the Covid-19 pandemic the quarantine was established all over Ukraine according to the Regulation of the Cabinet of Ministers of Ukraine «On preventing the spread of COVID-19 coronavirus in Ukraine».</p> <p>At the first year of pandemic and periodically later, the stuff of the CA worked remotely.</p> <p>For the period of quarantine the letters of our Central Authority are performed in e-form and signed with the qualified electronic signature, which by its legal validity is equivalent to the handwritten signature according to the Law of Ukraine «On Electronic Trust Services».</p> <p>All correspondence regarding the case takes place via e-mail. However, the hard copies of an application and supporting documents must be sent promptly also by regular mail for the purposes of initiation of the court proceedings in Ukraine.</p>
<b>United Kingdom (England and Wales)</b>	<p>ICACU</p> <p>Prior to the COVID 19 pandemic ICACU was already operating electronically and so the worldwide shift to increased reliance on electronic communication/transfer of information did not hugely impact us. ICACU already had systems in place for processing electronic child abduction/access applications. Prior to the pandemic several States Party required paper applications (and supporting documentation) to be sent by traditional means/post and this delayed the end to end process. We have found that while a few countries have reverted to the 'paper system' this is not as widespread as it was pre-pandemic and this has seen an overall improvement in work turnaround/processing times.</p> <p>Judiciary - Remote Access Family Court guidance was issued from the beginning of the pandemic and revised up to July 2020 to assist family court judges to use IT to keep the court functioning, to enable remote hearings and online mediation. Some elements have continued to be used.</p> <p><a href="https://www.judiciary.uk/wp-content/uploads/2020/06/The-Remote-Access-Family-Court-Version-5-Final-Version-26.06.2020.pdf">https://www.judiciary.uk/wp-content/uploads/2020/06/The-Remote-Access-Family-Court-Version-5-Final-Version-26.06.2020.pdf</a> Practitioners - IT is better and encourages respondents to participate. Easier for interpreters.</p>
<b>United Kingdom (Northern Ireland)</b>	Cases are accepted and returned as before via email with the secure forwarding of information through cjsm
<b>United Kingdom (Scotland)</b>	All court documents now submitted and processed electronically

<b>United States of America</b>	The USCA accepts and processes access and return cases and accompanying documents by e-mail and fax. Previous requirements by the State of California to submit hard copies of cases and accompanying documents have been eliminated.
<b>Uruguay</b>	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>Venezuela</b>	Durante la emergencia sanitaria de 2020 por motivos del COVID-19, la ACV comenzó a recibir solicitudes e informaciones de restituciones internacional, tanto nuevas como ya iniciadas, por correo electrónico anexándose de forma digital los anexos correspondientes, las cuales, una vez analizado el caso y revisados los requisitos exigidos, se enviaba al Circuito Judicial de Protección de NNA competente también por correo electrónico. En este sentido, en la página web del Ministerio del Poder Popular para Relaciones Exteriores, se creó un link <a href="http://atencionconsular.mppre.gob.ve">http://atencionconsular.mppre.gob.ve</a> , para atender las solicitudes de restitución por parte de los usuarios con residencia en el territorio nacional. En efecto, el Tribunal Supremo de Justicia, adoptó lineamientos para la creación, tramitación y decisión de expedientes judiciales digitales; así como para la suscripción y publicación de decisiones con firma digital; práctica de notificaciones y emisión de copias simples o certificadas, para ser remitidas por la ACV; Sin embargo, esta práctica ha sufrido modificaciones para ampliar el acceso a la justicia de los usuarios, permitiendo que dicho proceso sea mixto, es decir, digital y físico.

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

<b>Argentina</b>	The holding of virtual meetings has been incorporated through online videoconference platforms
<b>Australia</b>	<p>Post pandemic technology improvements have made it easier for the Court to facilitate the participation of overseas parents in court proceedings and mediation by video link.</p> <p>Since the COVID pandemic, more hearings and mediations have taken place via video link rather than in person, where convenient to the Court. This has significantly increased the convenience of hearings, as participants from all over Australia and the world can easily access the hearing in the same way. The mechanism used by the Court is often a videoconference link such as MS teams, which can be easily forwarded to each interested person. Even where hearings take place in person, the requesting parent and other overseas witnesses give evidence via videoconference, which is much more convenient than the past practice of setting up an individual AVL Link in the Courtroom which was cumbersome and time consuming.</p>
<b>Belgium</b>	Les Cours et tribunaux envisagent de plus en plus souvent la comparution de la partie requérante par visioconférence.
<b>Brazil</b>	The Central Authority and Federal Courts in Brazil had already been employing electronic judicial process even before the pandemic, and the biggest novelty with the social distancing measures was the use of hearings and meetings in a remote environment, including with people located outside the country.

<b>Bulgaria</b>	mediation could be held on-line
<b>Canada</b>	<p>At the Canadian level, there is an increased use of teleconference and videoconference in court proceedings since the pandemic. In some jurisdictions, virtual court hearings are now generally accepted.</p> <p>In Canada, parties have attended hearings on return applications via Zoom, Teams or Webex and in some jurisdictions, have given evidence orally via these platforms.</p> <p>This has increased participation of left-behind parents from abroad. In at least one case, it allowed the left-behind parent to make undertakings on the record from abroad. In another case, it allowed the left-behind parent to participate in the first case management call during which the parties resolved the case. In a few cases, it also allowed a left-behind parent whose language was neither French nor English to attend the hearing with their interpreter.</p> <p>The use of technology in courtrooms has many benefits but it also presents some challenges. Access to technology varies both at the global and domestic levels. In Canada, not all Courtrooms are equipped for hybrid hearings. In some recent Hague cases, connectivity problems in the other Contracting Party have caused delays in the Canadian return proceedings.</p>
<b>Chile</b>	Court hearings take place over Zoom, which allows the participation of the applicant, who is normally in the requesting state. Even when the hearing takes place in court and not online, the applicant is allowed to participate remotely. This was never allowed, prior to the pandemic.
<b>China (Hong Kong SAR)</b>	With the court's sanction, some court hearings had been taking place in the form of videoconference if any of the parties were unable to attend the hearing in person.
<b>China (Macao SAR)</b>	There have been no changes.
<b>Colombia</b>	The Administrative and Judicial Authorities have implemented virtual hearings so the applicants abroad and the parties can attend judicial hearings
<b>Costa Rica</b>	<p>There is a protocol for virtual hearings in Family matters.</p> <p>The applicant has a legal representative assigned by the State and this person can participate in the hearing virtually, by assisting to our Consulates around the world.</p>
<b>Cyprus</b>	
<b>Czech Republic</b>	Greater use of on-line mediation and other forms of amicable resolution, regulation of the use of video conference in court proceedings (but it still does not work much in practice).
<b>Denmark</b>	No
<b>Dominican Republic</b>	The parties involved in the international child abduction judicial process may request the judge who hears the case, the opportunity to be heard by videoconference during the course of the hearing. For minors we can also make use of this technology, they are interviewed in a controlled and prepared environment so that they feel comfortable and express their opinion freely.
<b>Ecuador</b>	Trial hearings, through videoconference.
<b>El Salvador</b>	
<b>Estonia</b>	Yes. For example, there is more focus on effective methods of sharing the child.
<b>Finland</b>	No such changes/improvements.

<p><b>France</b></p>	<p>La pandémie de Covid-19 a contribué à accroître le recours à la vidéoconférence lors des audiences et auditions devant les juridictions françaises et à en définir un cadre juridique pérenne, notamment en matière d'enlèvements internationaux d'enfants. Ces affaires se trouvent particulièrement concernées par cette pratique, dès lors que la participation à l'audience du parent victime du déplacement ou de la rétention illicite, qui réside le plus souvent à l'étranger et ne peut aisément se déplacer pour l'audience, doit être favorisée dans la mesure du possible. Dans le contexte de l'urgence sanitaire, la loi du 23 mars 2020 d'urgence pour faire face à l'épidémie de Covid-19 a autorisé le Gouvernement à prendre, par ordonnances, toutes mesures nécessaires afin de faire face aux conséquences de cette épidémie sur le fonctionnement des juridictions. Ainsi, le 25 mars 2020, le conseil des ministres a notamment adopté l'ordonnance n° 2020-304 du 25 mars 2020 portant adaptation des règles applicables aux juridictions de l'ordre judiciaire statuant en matière non pénale afin de mettre en place un certain nombre de mesures pour pallier l'absence d'audiences physiques dans les juridictions tels que le recours, sur décision du juge, à la procédure sans audience et à la visioconférence (sans possibilité de recours s'agissant de la visioconférence).</p> <p>Certaines de ces dispositions ont été pérennisées par la loi n° 2021-1729 du 22 décembre 2021 (article. L. 111-12-1 du code de l'organisation judiciaire – COJ) et le décret n° 2022-79 du 27 janvier 2022 (article R. 111-7-1 COJ complété par l'arrêté du 13 mai 2022 - NOR : JUST2214196A) s'agissant de la visioconférence. Ces dispositions permettent au président de la formation de jugement d'autoriser une partie ou tout autre personne convoquée qui en a fait la demande à être entendue par un moyen de communication audiovisuelle au cours de l'audience ou de l'audition. La décision du juge constitue une mesure d'administration judiciaire non-susceptible de recours.</p> <p>Les moyens de télécommunication utilisés doivent permettre de s'assurer de l'identité des personnes y participant, d'assurer la qualité de la transmission et de garantir la confidentialité des échanges.</p> <p>Ces améliorations se heurtent néanmoins parfois à des difficultés techniques telles que la faible qualité des matériels de visioconférence et / ou des technologies parfois utilisées qui peuvent nuire à la qualité des débats judiciaires.</p> <p>Même si l'audition de l'enfant par visio-conférence est possible, en pratique, les enfants sont entendus en présentiel par les juges saisis du retour.</p>
<p><b>Georgia</b></p>	<p>Participation of the parties and child was ensured by using an electronic or other means of communication (for instance – video-link). Moreover, with regard to the involvement in court proceedings, it should be highlighted that relevant Georgian courts were relying on the guide to good practice on the taking of evidence by video-link prepared by HCCH.</p>
<p><b>Germany</b></p>	<p>The pandemic brought a more flexible approach of the German judiciary to the possibility of online hearings. However, with regard to the hearing of participants who are abroad, the opinion prevails that such hearings are only to be carried out according to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters or - between EU Member States - according to Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of</p>



	<p>evidence in civil or commercial matters (taking of evidence) (recast) - by way of legal assistance.</p> <p>Mediation is increasingly done online. Also, the simple fact of travel restrictions and legal necessities on the other hand resulted in improved methods and much more flexibility. Of course, technical as well as legal aspects do set limits.</p>
<b>Honduras</b>	N/A
<b>Iceland</b>	
<b>Israel</b>	No changes
<b>Italy</b>	Yes: parties and their attorneys are allowed to appear at hearings before the Courts in videoconference
<b>Jamaica</b>	where necessary and depending on the age and maturity of the child, the ideal situation is face to face otherwise we can facilitate zoom or other platforms
<b>Japan</b>	<p>The Tokyo Family Court and Osaka Family Court began utilizing web conferencing system(Webex) in December 2021 for parties in Japan to participate in domestic mediation. This system may also be used in cases where a petition for a child return order is referred for mediation.</p> <p>In fact there was a case that a party visiting Japan participated in mediation via web conferencing system.</p>
<b>Latvia</b>	The Courts are provided with technical means to arrange a hearing through the video link.
<b>Lithuania</b>	The Courts started more often to organize the court hearings via remote communication means and this often let to avoid the delay of proceedings and to reduce the litigation costs. Before Covid-19 pandemic the Courts usually were determining the mandatory physical participation of parties in court hearings.
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	<p>The use of videoconferencing is promoted for the conduct of a hearing, for cases where one of the requesting party cannot be person in the judicial proceedings scheduled for each case. For the use of this modality, it must be coordinated with the Informatics of the Judicial Branch.</p> <p>The participation of the minor, in accordance with Law 285 of February 15, 2022 in its article 12 numeral 3, will enjoy various judicial guarantees as a right to legal assistance during all phases of the judicial process, guaranteeing to be duly represented, the right to express opinion, to be heard, preferably directly, if not possible through means of his legal representative, the right to a short trial, with due diligence and without delay, that the protective measures that may be adopted have a fixed duration, the right to receive clear and precise information in their own language, about each of the actions that take place in their presence, as well as the content and reasons for each decision, etc.</p>
<b>Peru</b>	At the level of the Judiciary, after the Covid-19 pandemic, we consider that there have been improvements to facilitate the participation of the parties and to listen to the children and/or adolescents involved in these judicial processes, since using the computer applications, Google Meet, Zom and Whats App, it is easier for the parties to the process to be heard from the place where they are, it is not necessary for them to come to Peru, since the hearings can participate from the place of their residence. With virtual hearings, the Principle of Procedural Immediacy becomes effective, which guarantees the direct relationship that should exist in these processes between the Judge and the parties and the Judge and the evidence.



<b>Poland</b>	In general, it is at the discretion of the court to decide in this regard.
<b>Portugal</b>	
<b>Singapore</b>	The parties and the child may appear for court proceedings if required, via official videocalls conducted by the Court.
<b>Slovakia</b>	
<b>South Africa</b>	<p>-Domestic legislation makes provision for child participation and the court proceedings require child participation</p> <p>-COVID forced courts in South Africa to find an alternative to finalising matters without in person court appearances. In the High Court in Gauteng, those alternative methods included the use of Microsoft Teams, Skype and Zoom to conduct virtual hearings of all civil matters.</p> <p>-The result of this is that the court process and participation has been made much more accessible for those who live outside the jurisdiction of a court. Virtual hearings have also facilitated hearing generally allowing for greater participation without the need to travel to court.</p> <p>-Rule 41A of the Uniform Rules envisages that parties mediate their disputes prior to adjudication of the matter and it is envisaged that the parties will comply with these provisions before the matter is either launched or enrolled or adjudicated upon. The judge may enquire whether parties have considered this option. The parties are required to file a notice indicating that they have contemplated mediation and that resolution of the issues is not possible.</p> <p>-The first innovation to report on is the use of information technology that has been progressively adopted in many courts in South Africa, particularly since the Covid pandemic created obstacles for physical court appearances. Virtual proceedings were routine in the Supreme Court of Appeal and in the Gauteng courts during the peak Covid period. While physical court has resumed throughout the country, in Gauteng parties still have the option, depending on their circumstances, of requesting virtual hearings. This is particularly useful in urgent cases, like child abduction and other family matters. Counsel and the parties do not all have to be physically available in court or in the Judge's chamber at the same time. This flexibility ensures that matters may proceed without unnecessary delays. It will be most useful in child abduction cases, as the applicant parent can remain in their country of residence. This development also has obvious cost-saving advantages.</p> <p>-A second innovation has been implemented in Gauteng, since June 2022 (Johannesburg) and April 2023 (Pretoria) where Practice Directives have been issued setting up a dedicated Family Court that sits every week during term. the Family Court is not a specialised court with specialised Judges. Essentially, the Directives are aimed at providing a special procedural path for certain family law cases (including Hague Convention cases) so that these may be dealt with efficiently. The motivations that informed the Family Court process was the intention to afford parties a speedy and efficient forum where family matters enjoyed attention. This aligns with the expedited timeline required in Hague cases. The extent to which this innovation will speed up Hague matters remains to be tested.</p> <p>-A third innovation has been the introduction of Rule 41A which applies to all High Court actions and applications. It requires all plaintiffs or applicants to file a notice before instituting proceedings indicating whether they will agree to or oppose mediation of the matter. A defendant or respondent is similarly required to file a notice opposing or agreeing to</p>

	<p>mediation before filing their opposing pleadings. The requirement applies across the board, regardless of the nature of the dispute. It is not yet clear whether this new procedure will have any practical effect. At present it appears to be complied with in a formulaic manner, with notices opposing mediation being regularly filed as a matter of course. However, and quite apart from Rule 41A, there has been a consistent programme of rolling out mediation training to Judges in South Africa. It is hoped that this will conscientise Judges to the benefits of mediated solutions to disputes, family matters being particularly suited to mediation. The Family Advocate's office in South Africa uses mediation in child abduction cases before the matter is referred to court. This is reported in, for example, the LC case (see section 3, below), where reference is made in the judgment to early attempts by the Family Advocate to mediate a solution. Ultimately, however, the court had to decide the matter.</p>
<b>Spain</b>	No
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	<p>The responsibility to assure the video-link belongs to a court which considers the case. According to Article 212 of the Civil Procedural Code of Ukraine the parties of the case have a right to participate in the court hearings through a video-link outside the courtroom, in case the court has the appropriate technical capacity, what the court shall indicate about in the ruling on opening the court proceedings, except when the appearance of this participant of the case in a court hearing is recognized obligatory by a court. The Civil Procedural Code of Ukraine also allows the parties to participate in the court hearings using their own technical means.</p> <p>In this case the confirmation of the identity of the party in the case is carried out using an electronic signature. In case the person does not have such a signature, then in accordance with the procedure specified by the Law of Ukraine On the Unified State Demographic Register and Documents Confirming the Citizenship of Ukraine, Certifying the Person or the Special Status" or by the State Judicial Administration of Ukraine.</p> <p>Taking into account the time need for organization of the video-link the appropriate request shall be transmitted to the court not later than 5 days before the court hearing.</p> <p>The interpreter's participation is allowed by the court on the request of the party of the case or is appointed on the initiative of the court. The applicant may hire the interpreter on his own costs. The court may also decide who bears costs, including for the services of the translator. The court may oblige the parties to deposit into the court's deposit account a determined amount of court costs related to the proceedings or a certain procedural action (Articles 135 and 139 of the Civil Procedural Code of Ukraine)."</p>
<b>United Kingdom (England and Wales)</b>	<p>Judiciary</p> <p>Remote video hearings so the left behind parent can participate without travelling to the UK.</p> <p>Practitioners -</p> <p>Procedure improved. Arrangements now made for the left behind parent to attend each hearing remotely, where in the past it was only the final hearing. Cases involving domestic violence and/or abuse are easier to manage as cameras can be switched off and able to mute. Use of Teams recording.</p>

<b>United Kingdom (Northern Ireland)</b>	Participation has changed slightly in the more efficient use of video link via sightlink, the use of sightlink for reviews has assisted clients not in the jurisdiction to participate in the review and be present.
<b>United Kingdom (Scotland)</b>	The left behind parent can follow the proceedings remotely using Webex (video platform used by Scottish Courts).
<b>United States of America</b>	Participation is required either pro se or through counsel. Many jurisdictions allow virtual participation. The Hague Convention Mediation Program requires both parties to be represented by legal counsel, but does permit virtual participation. Other mediation programs available in the United States may have different requirements.
<b>Uruguay</b>	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.
<b>Venezuela</b>	A raíz de la pandemia, se comenzó a dar preponderancia a la participación de las partes mediante videoconferencia, en las audiencias de mediación, de juicio o de apelación de el curso de los procedimientos de restitución.

**c) Promoting mediation and other forms of amicable resolution;**

<b>Argentina</b>	<p>The holding of virtual meetings has been incorporated with the aim of reaching a voluntary agreement through online videoconference platforms as it is suggested in the Action Protocol for the Operation of International Child Abduction Agreements (link: <a href="http://cnaj.gob.ar/cnaj/docs/nacionalConvSustraccion.pdf">cnaj.gob.ar/cnaj/docs/nacionalConvSustraccion.pdf</a>).</p> <p>In 2017, a Pilot Project for the Implementation of Mediation for the Application of International Child Abduction Conventions (<a href="http://www.cnam.gov.ar/wp-content/uploads/2020/08/ADJ-0.944220001598454346-1.pdf">com/wp-content/uploads/2020/08/ADJ-0.944220001598454346-1.pdf</a>) was designed by the National Commission for Access to Justice of the Supreme Court as a complement to the Action Protocol for the Operation of International Child Abduction Agreements (link: <a href="http://cnaj.gob.ar/cnaj/docs/nacionalConvSustraccion.pdf">cnaj.gob.ar/cnaj/docs/nacionalConvSustraccion.pdf</a>). The texts of the Pilot Project and the Action Protocol are attached to the Application forms with the aim to be considered and acknowledgeable by the competent judiciary.</p>
<b>Australia</b>	Effective methods already in place continue to be used. In early 2023, the Federal Circuit and Family Court of Australia introduced a new procedure involving convening a Court based Family Dispute Resolution (FDR) Conference with a Registrar of the Courts Dispute Resolution Service and a child court expert in all 1980 Convention matters. This is an alternative dispute resolution (ADR) process that takes place in 3 parts, usually over one week very close to the final hearing and is free of cost to the user. It is run by two family law mediators (one lawyer and one social scientist) with training and experience in specialised Hague mediations, and attempts to resolve or narrow the issues in both the Convention matter and substantive parenting issues. It is designed to replicate the Hague mediation model developed by Victoria Legal Aid but which was not available in all Hague return proceedings.
<b>Belgium</b>	/
<b>Brazil</b>	Since Resolution 125 of the National Council of Justice (issued in 2010), the Brazilian Judiciary has been using appropriate methods of conflict resolution such as mediation, conciliation, negotiation, among others, with

	the pandemic such methods continued to be used but in the remote way. In 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.
<b>Bulgaria</b>	Always in the first hearing the Court invites the parties for mediation or agreement under Bulgarian legislation.
<b>Canada</b>	Practices in this area were not impacted by the pandemic.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Not that we are aware of.
<b>China (Macao SAR)</b>	Currently, there is no mediation regime specified for cases of international child abduction. Therefore, the Central Authority of the Macao SAR provides assistance and services related to family matters, based on the Guide to Good Practice under the 1980 Convention.
<b>Colombia</b>	In Colombia at the Administrative Phase the Administrative Authority summons the alleged abductor parent to a hearing in order to try a voluntary return. This hearing can be virtual.
<b>Costa Rica</b>	No improvements. What we use in the judicial system is what the law requires in the hearing. Before the hearing, there is the space in which the judge asks the parties if they reached an agreement.
<b>Cyprus</b>	
<b>Czech Republic</b>	No
<b>Denmark</b>	No
<b>Dominican Republic</b>	The aforementioned resolution 480-08 issued by the Supreme Court of Justice, allows our administrative and judicial authorities to apply article 10 of the 1980 Hague Convention to achieve a friendly solution using technology to establish contact between the parties involved. In the process.
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	Yes. There is also the new family mediation service offered by the state in some cases, when the Social Insurance Board or the court sees it fit.
<b>Finland</b>	No changes.
<b>France</b>	L'autorité centrale française met à disposition une liste de médiateurs familiaux internationaux sur son site internet. Cette liste précise, pour chacun des médiateurs qui y figurent, les modalités pratiques de l'organisation de la médiation qui peut s'effectuer à distance, notamment par téléphone et / ou visioconférence. Le processus de médiation étant organisé directement par le médiateur avec chacune des parties et n'étant pas supervisé par l'autorité centrale française, il n'est cependant pas possible de savoir si les pratiques observées jusqu'alors dans le recours aux nouvelles technologies de l'information et de la communication sont ou non été substantiellement modifiées à la suite de la pandémie de Covid-19.
<b>Georgia</b>	Promotion of amicable resolution of disputes was ensured via remote communication. The Central Authority of Georgia referred to the guide to good practice on mediation prepared by HCCH for the initiation of mediation or other forms of amicable resolution of disputes.
<b>Germany</b>	No significant development due to Covid.
<b>Honduras</b>	N/A
<b>Iceland</b>	
<b>Israel</b>	No changes
<b>Italy</b>	Mediation too may take place by videoconference

<b>Jamaica</b>	We will always seek to arrive at an amicable resolution in the best interest of the child. With that in mind, we will simultaneously pursue mediation and also file an application in the court.
<b>Japan</b>	Even during the period when the Covid-19 pandemic prevented parties' visits to Japan for court proceedings, online mediation was available and utilized.
<b>Latvia</b>	Mediators provide their services also through the video link
<b>Lithuania</b>	The mediation is not obligatory in child abduction cases in Lithuania. The Central authority organizes the pre-trial voluntary return process with assistance of child rights protection specialists who may negotiate the agreement of parents.
<b>Montenegro</b>	
<b>New Zealand</b>	In New Zealand there are a variety of options for amicable resolution and mediation.  With the greater reliance and growing familiarity with remote mediation models during covid-19 the availability and methods to participate in mediation or amicable resolution remotely has increased
<b>Panama</b>	The Judicial Branch has developed, with the participation and collaboration of the Regional Office of The Hague and two liaison judges of the Hague of Panama, together with the Directorate of Alternative Methods and official of the Directorate of Modernization and Institutional Development, it was possible to prepare a draft regulation of the judicial mediation service in matters of International Abduction of Minors, The name given to the final document. This document is in the stage for review and approval by the Plenary of the Supreme Court of Justice
<b>Peru</b>	At the level of the Judiciary, in Peru, mediation procedures are not customary, but rather conciliation procedures, in fact, international return proceedings are governed by the rules of the Single Procedure of the Code for Children and Adolescents, and in accordance with the provisions of Articles 171 and following of the said Code, the judge has the power to convene the parties ex officio to conciliate at a Single Hearing, or at any stage of the proceedings, when they so request. If there is an agreement and it does not harm the interests of the child and/or adolescent, he/she approves it, and the agreement has the effect of a sentence with the authority of res judicata. If there is no agreement, the process continues until the sentence is passed.
<b>Poland</b>	The Polish Central Authority (hereinafter as the PCA) promotes mediation as a means of amicable resolution of the litigation.
<b>Portugal</b>	
<b>Singapore</b>	The Singapore Central Authority may promote mediation as a means of amicable resolution by referring parents if they are keen to engage professional mediation services in Singapore.
<b>Slovakia</b>	
<b>South Africa</b>	Mediation is promoted during meetings addressing voluntary return. It is also utilised during discussions pertaining to settlement of matters whilst a matter is before court. After receipt of expert reports or the participation/views of the child are obtained mediation is considered and maybe utilised to reach settlement.
<b>Spain</b>	No
<b>Switzerland</b>	La médiation par visioconférence était déjà pratiquée avant la pandémie. Cette méthode est utilisée plus fréquemment, mais ne remplace pas complètement la médiation en personne, qui présente des avantages certains.
<b>Türkiye</b>	

<b>Ukraine</b>	This information is not available while the CA does not grant the mediation services, but it appears the such ways of communication as via e-mails as well as meetings in Zoom (Teams, etc) are widely used.
<b>United Kingdom (England and Wales)</b>	Judiciary At court mediation continues to use video links to conduct mediation between parties in different jurisdictions. Practitioners - always considered and reunite willing to assist. Again, the use of remote, mute and cameras off means the parties are more likely to engage.
<b>United Kingdom (Northern Ireland)</b>	Legal teams have always tried to reach a amicable resolution at the heart of the case, this has not changed significantly since covid 19
<b>United Kingdom (Scotland)</b>	No developments
<b>United States of America</b>	Information about mediation and resources related to mediation are available on the USCA website. In addition, referrals to an international mediation program are available for parents and/or legal guardians if they express an interest in mediation.
<b>Uruguay</b>	
<b>Venezuela</b>	A partir de 2020, la posibilidad de la parte solicitante de participar en las audiencias de mediación mediante la herramienta de la videoconferencia, en cualquier grado de la instancia judicial, se convirtió en una necesidad, llegando a ser actualmente una constante en casi todos los procesos de restitución internacional.

d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;

<b>Argentina</b>	The holding of virtual meetings has been incorporated through online videoconference platforms, as it is suggested in the Action Protocol for the Operation of International Child Abduction Agreements (link: <a href="http://www.cnaj.gob.ar/cnaj/docs/nacionalConvSustraccion.pdf">http://www.cnaj.gob.ar/cnaj/docs/nacionalConvSustraccion.pdf</a> ).
<b>Australia</b>	Effective methods already in place continue to be used.
<b>Belgium</b>	/
<b>Brazil</b>	The use of technological tools to enable the contact of the abandoned parent and the child also occurred in the period.
<b>Bulgaria</b>	
<b>Canada</b>	Practices in this area were not impacted by the pandemic.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Not that we are aware of.
<b>China (Macao SAR)</b>	There have been no changes.
<b>Colombia</b>	At the Administrative Phase, the Administrative Authority can order a temporarily regime for the access rights
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	No
<b>Denmark</b>	No
<b>Dominican Republic</b>	The parties in the process may request the judge who hears the case to order precautionary measures in order to establish communication through video calls or other ways that allow the use of technology.
<b>Ecuador</b>	
<b>El Salvador</b>	



<b>Estonia</b>	Yes
<b>Finland</b>	No changes.
<b>France</b>	L'autorité centrale française n'a pas constaté de changement sur ce point à la suite de la pandémie de Covid-19.
<b>Georgia</b>	During the Covid-19 pandemic effective exercise of rights of access was ensured via remote communication.
<b>Germany</b>	No significant developments due to Covid. Online contact was established with regard to older children.
<b>Honduras</b>	N/A
<b>Iceland</b>	
<b>Israel</b>	No changes
<b>Italy</b>	No
<b>Jamaica</b>	This will be done if the parties are amenable or request for access in the interim
<b>Japan</b>	In terms of visitation support used by the access supporting institutions commissioned by the Ministry of Foreign Affairs (MOFA), JCA did allow for in-person meetings to be replaced with Online Mimamori Contact" (Monitored Online Contact Assisted by the Experts)."
<b>Latvia</b>	
<b>Lithuania</b>	More often the communication between child and one of parents is determined via remote communication means.
<b>Montenegro</b>	
<b>New Zealand</b>	With the uncertainty caused by covid-19, there is a greater appreciation of the importance to maintain or secure contact pending the determination of Hague Convention proceedings.
<b>Panama</b>	Yes. In general, all international restitution proceedings guarantee the direct relationship of the child unlawfully removed or retained with the requesting parent. If the father travels to the Republic of Panama and is present, after the hearing is held, face-to-face communication formulas are usually established. If the requesting parent cannot be present at the oral act, a virtual visitation regime is usually regulated during court office hours so that the first meetings between father and children are carried out with the supervision of a psychology professional. Also, weekly telephone communication is authorized at times that do not affect the daily life of the minor.
<b>Peru</b>	At the level of the Central Authority: steps have always been taken to ensure the effective exercise of rights of access, since the applications request the establishment of a provisional visiting regime in favour of the applicant parent who is abroad for the duration of the return proceedings.  At the level of the Judiciary, in Peru, by means of the precautionary measure of a Provisional Visitation Regime, the judge can order Visitation Regimes either in person or virtually for the parent who does not hold de facto custody of the child and/or adolescent, and even at a Single Hearing, the judge can also order such a Visitation Regime, considering that, in accordance with the provisions of Article 9. 3 of the Convention on the Rights of the Child which prescribes that States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests". "
<b>Poland</b>	The PCA may refer the applicant's request for organising contact with the child during the trial to the court. However, it does not take any other action or decision in this regard.
<b>Portugal</b>	
<b>Singapore</b>	



<b>Slovakia</b>	
<b>South Africa</b>	Interim contact/access arrangements are concluded or sought as interim relief pending the outcome of the proceedings, which may include ex parte applications.
<b>Spain</b>	No
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	Such ways of keeping contact with the child as communication via Viber, Skype, WhatsApp, Telegram become popular during the past years, especially because of Covid-19 pandemic. The applicant could ask for establishing contact via these means of communication.
<b>United Kingdom (England and Wales)</b>	ICACU See response at 2a) which includes access applications. Practitioners - Use of remote hearing is helpful. Promotion of Article 5 during the proceedings for Article 12 and Article 21.
<b>United Kingdom (Northern Ireland)</b>	The courts have been pro active upon reciving an application to regularise access arrangements whilst the return hearing is awaited.
<b>United Kingdom (Scotland)</b>	Increased use of remote/virtual contact using video platforms generally, and communication between parents using MyFamilyWizard app
<b>United States of America</b>	
<b>Uruguay</b>	It is very common for access regimes to include some form of periodic virtual communication beetween the applicant and the child.
<b>Venezuela</b>	Efectivamente, en vía judicial, se continuó garantizando el ejercicio efectivo de los derechos de visita durante los procedimientos de restitución, con el uso preponderante de la tecnología de la información.

**e) Obtaining evidence by electronic means;**

<b>Argentina</b>	The obtaining of evidence by digital means will depend on the regulations of the procedural codes of each jurisdiction and will depend on the specific case. However, courts tend to use electronic means to obtain evidence, such as witness testimony through different platforms.
<b>Australia</b>	Post pandemic technology improvements have increased the quality and reliability of video link communication thereby facilitating the obtaining of evidence from overseas parents.
<b>Belgium</b>	/
<b>Brazil</b>	The holding of hearings with the hearing of witnesses by virtual means has been admitted.
<b>Bulgaria</b>	Parties could send their written statements.
<b>Canada</b>	In some jurisdictions, there is an increased use of electronic evidence, for which Courts are now better equipped (e.g. in Alberta).
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Parties may submit e-bundles to the court for the hearings.
<b>China (Macao SAR)</b>	There have been no changes.
<b>Colombia</b>	At the Judicial Phase the parties can intervene virtually
<b>Costa Rica</b>	Electronical file
<b>Cyprus</b>	
<b>Czech Republic</b>	No
<b>Denmark</b>	No
<b>Dominican Republic</b>	Submit evidence with audio recordings of conversations carried out on communication platforms or networks, such as WhatsApp, Facebook, etc.
<b>Ecuador</b>	

<b>El Salvador</b>	
<b>Estonia</b>	Yes
<b>Finland</b>	No such changes/improvements.
<b>France</b>	L'autorité centrale française n'a pas constaté de changement sur ce point à la suite de la pandémie de Covid-19.
<b>Georgia</b>	Please, refer to the question b.
<b>Germany</b>	Besides from the hearing of the parties (see 2 b)), no significant developments
<b>Honduras</b>	N/A
<b>Iceland</b>	
<b>Israel</b>	No changes
<b>Italy</b>	No
<b>Jamaica</b>	We facilitate this method and where original documents are needed, these are later submitted via DHL or FedEx
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	The examination of witnesses who are living in other State quite often is organized via remote communication means.
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	<p>In principle, the Central Authority receives requests for international restitution at certain times through e-mails and then sends the originals to the court that corresponds to its knowledge. The evidence submitted by means of e-mails is subject to assessment by the judge pursuant to Article 875 of the Judicial Code.</p> <p>Article 32 of Law 75 of December 18, 2015 establishes the following:</p> <p>Article 32. The powers, evidence and evidence that accompany the demand, response, incident or precautionary action may be digitized and sent, through the Internet, to the Electronic Judicial File, or presented together with the respective writing, in physical format, to the Single Entry Registry for digitization. If they are sent online, they must be physically presented at the Single Entry Registry (RUE) within three working days of receipt in the System, otherwise, they will be considered not presented. With the exception of the processes in which they must be presented at the hearing, in the evidentiary period the evidence must be physically presented in the Single Entry Registry (RUE), together with its reproduction in electronic format. If the evidence is not accompanied in digital format, they must be digitized in the Judicial Branch, before sending them to the Custody Center for Current Files, where they will be kept and will remain at the disposal of the court of the case until the definitive file of the process is ordered. Where there is no Custody Center for Current Records, the evidence will be kept in the court of the case.</p>
<b>Peru</b>	<p>A nivel de la Autoridad Central: las solicitudes y sus respectivos medios probatorios de Restitución Internacional que presentan los residentes en territorio nacional, las remitimos de forma digital a la otra Autoridad Central requirente para que inicie las acciones pertinentes. Asimismo, recibimos de forma digital las solicitudes y sus respectivos medios probatorios remitidas por las diferentes Autoridades Centrales.</p> <p>Following the Covid-19 pandemic, the Judiciary set up the Virtual Court Bureau (SINOE), where litigants can present their claims, responses to claims, lodge appeals and all types of pleadings, from wherever they are.</p>

	In this way, they can offer and present, virtually, the means of evidence they deem appropriate, such as documents, witnesses, experts, statements of the parties, and even interviews of minors, which are carried out in the single hearing, through the applications Google Meet, Zom and Whats App, which facilitates that the parties to the process can be heard from the place where they are, it is not necessary that they come to Peru, since the hearings can participate from the place of their residence.
<b>Poland</b>	The PCA accepts and receives evidence or any documents electronically. However, original documents must be sent to the court.
<b>Portugal</b>	more use of electronic means/instruments
<b>Singapore</b>	The Singapore Central Authority obtains evidence or any documents via email.
<b>Slovakia</b>	
<b>South Africa</b>	Yes and through virtual consultations or testimony at court
<b>Spain</b>	No
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	<p>According to the Civil Procedural Code of Ukraine the court may decide to consider the oral evidences and to hear the testimonies of the witnesses. The testimony of the witnesses is heard during the hearings of the case on the merits. Moreover, the parties, third parties and their representatives, with their consent, including on their own initiative may be questioned as witnesses of circumstances known to them regarding the case (Articles 69, 90, 92 of the Civil Procedural Code of Ukraine).</p> <p>Since April 2022 in Ukraine was launched the program “Electronic Court”. The Electronic court allows to those who was registered in the system to send to the court and to obtain all the documents from the court exclusively in electronic form. The registration in the system requires the electronic digital signature.</p>
<b>United Kingdom (England and Wales)</b>	Practitioners - no change, already electronic before the pandemic. Electronic bundles are now the standard process and are more efficient.
<b>United Kingdom (Northern Ireland)</b>	I note that there is an emphasis on electronic bundles, this does not appear to have translated into practice, the system has improved greatly in that the electronic version of an affidavit will be accepted and will be printed for issuing for a fee. Thus negating the issue of delay in having the papers delivered to Belfast. Court staff have been excellent in these cases in progressing the applicatiösn and issuing.
<b>United Kingdom (Scotland)</b>	Use of video platforms
<b>United States of America</b>	
<b>Uruguay</b>	Requests for evidence are usually received and submitted electronically.
<b>Venezuela</b>	Debido al principio de inmediatez y celeridad, tanto la ACV como el Juez o jueza competente, pueden requerir por correo electrónico, cualquier medio probatorio o documento adicional que se requiera para tomar una decisión sobre la solicitud de restitución, debiendo ser tramitado primero ante la ACV.

**f) Ensuring the safe return of the child;**

<b>Argentina</b>	Technology allows the Central Authorities and Liaison Judges to maintain fluid communication to coordinate the return of the child.
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<b>Australia</b>	Effective methods already in place continue to be used.
<b>Belgium</b>	/
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	As mentioned above, in at least one case, the use of technology has allowed the left-behind parent to make undertakings on the record from abroad which were intended to facilitate the safe return of the child.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Not that we are aware of.
<b>China (Macao SAR)</b>	There have been no changes.
<b>Colombia</b>	We keep permanent communication with Central Authorities regarding the return orders until the children are back in their habitual residence countries.
<b>Costa Rica</b>	The protocol for returning the child is the same, the only difference is that when COVID, we had to follow sanitary protocols
<b>Cyprus</b>	
<b>Czech Republic</b>	No
<b>Denmark</b>	No
<b>Dominican Republic</b>	The opportunity to have more fluid communication with the requesting parent who is in the Requesting State is maintained, making use of digital programs, reciprocally sharing information to facilitate the return of the minors.
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	Yes
<b>Finland</b>	No changes.
<b>France</b>	L'autorité centrale française n'a pas constaté de changement sur ce point à la suite de la pandémie de Covid-19.
<b>Georgia</b>	All relevant state agencies (Central Authority of Georgia, the Police, The Consulate, State Care Agency, LEPL Public Service Development Agency and etc.) were involved to ensure the safe return of the child. The return proceedings was in full compliance with the provisions provided under the guide to good practice on Enforcement prepared by HCCH.
<b>Germany</b>	Covid was frequently referred to within 1980 Hague return proceedings as a ground for non return (Art. 13 I b). In Germany, this ground was generally applied in a very restrictive manner.
<b>Honduras</b>	N/A
<b>Iceland</b>	
<b>Israel</b>	The ICA continues to accompany the process of the safe return of the child through close coordination with other authorities that might have to be involved, including police and welfare authorities. No changes had to be made as a result of the pandemic.
<b>Italy</b>	No
<b>Jamaica</b>	Part of our priority is to adhere to the safe return of a child
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	No improvements in this area
<b>Montenegro</b>	
<b>New Zealand</b>	The global uncertainty of the covid-19 pandemic saw a greater focus on the situation for the child and TP on return. We have found there was a greater reliance on the grave risk and

	<p>intolerable situation exception due to the situation the child and TP will return to.</p> <p>This has lead to an increase in requests for specific evidence about the situation for the child/ren on return so that the court can make an informed assessment that the circumstances on return will support a safe return for this child and TP.</p> <p>This can lead to delay in determining matters primarily due to undertaking a more in depth inquiry into matters of substance which requires significant evidence to be provided and potentially may undermine the integrity of the Convention.</p>
<b>Panama</b>	Resolving requests for return, appropriate measures are taken to guarantee the safe return of the minor, such that at the time of departure from the country of the child, he or she is accompanied by an official of the Central Authority, so that no problems arise when boarding the departure flight. If the requesting parent is unable travel, the Panamanian central authority so that in turn it coordinates with the central authority of the requesting State to designate a consular officer who can safely transfer to his or her state of habitual residence. On some occasions it has been established that, when the minor arrives in his or her State, he or she will be received by the protection authorities so that it is the competent judicial authority of that State that determines what corresponds in law in favour of the child.
<b>Peru</b>	Ensuring the child's return is a matter of enforcement of judicial decisions, which according to our judicial system, the enforcement of judicial decisions is carried out at the request of the party, so it is the successful party in the process, in this case the plaintiff with the help of the Central Authority, who must carry out the process in order to ensure the safe return of the child and the judge, at his request, dictates the relevant measures for the safe return of the child to his or her country of habitual residence.
<b>Poland</b>	In the vast majority of cases, legal proceedings are initiated, although the alleged abduction party may agree to a voluntary return at any stage of the legal proceedings. The PCA takes steps to make both parties aware of the possibility of voluntary return by including information about voluntary return in the referral letter to the alleged abduction party. In addition, a leaflet containing information about mediation is attached to the referral letter.
<b>Portugal</b>	
<b>Singapore</b>	The Singapore Central Authority will work with the relevant Central Authorities and competent authorities to ensure the voluntary safe return of the child.
<b>Slovakia</b>	
<b>South Africa</b>	The ad hoc CA ensures that the child is on a return flight and advises the Central Authority of the requesting state accordingly. all barriers to the safe return are considered and incorporated into a draft order for the court to consider when making a final order.
<b>Spain</b>	No
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	<p>There are no changes in this regard for the moment of filled of this Questionnaire.</p> <p>The draft of law is under consideration of the Parliament of Ukraine.</p>

<b>United Kingdom (England and Wales)</b>	Practitioners - no difference in securing safe return of child, IT makes it quicker.
<b>United Kingdom (Northern Ireland)</b>	I believe that the above improvements which I have highlighted, reduce delay and therefore contribute significantly to the effective safe return of the child
<b>United Kingdom (Scotland)</b>	Speedier communication with legal agencies in other jurisdictions
<b>United States of America</b>	
<b>Uruguay</b>	When measures to ensure the safe return of the child are requested, they are generally reported to the requesting State electronically.
<b>Venezuela</b>	A partir del año 2020 en virtud de las medidas restrictivas de movilidad y transporte, tanto nacional como internacional, el Estado venezolano adoptó una serie de medidas para reforzar el retorno seguro; tales como, migratorias, sanitarias y de transporte, para atender, caso por caso, y concretar la ejecución de las decisiones de restitución, facilitando así el traslado o retorno seguro de los NNA, tanto como país requerido como país requirente.

**g) Cooperation between Central Authorities and other authorities;**

<b>Argentina</b>	The holding of virtual meetings has been incorporated with the aim of reviewing cases quickly and effectively.
<b>Australia</b>	Effective methods already in place continue to be used.
<b>Belgium</b>	La généralisation de la communication électronique facilite la communication entre les Autorités centrales.
<b>Brazil</b>	All the contacts between Central Authorities is made by electronic tools, as e-mails and virtual meetings.
<b>Bulgaria</b>	by e-mails and electronic means with Local Authorities
<b>Canada</b>	Practices in this area were not impacted by the pandemic.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	We continue to communicate with other Central Authorities via electronic means. Contact between our Central Authority and other local authorities is also established via the use of facsimile or telephone.
<b>China (Macao SAR)</b>	There have been no changes.
<b>Colombia</b>	We keep permanent communication with Central Authorities regarding the return orders until the children are back in their habitual residence countries.
<b>Costa Rica</b>	Many email conversations and whatsapp too. Also virtual meetings by TEAMS or Zoom.
<b>Cyprus</b>	
<b>Czech Republic</b>	Greater use of electronic ways of communication.
<b>Denmark</b>	No
<b>Dominican Republic</b>	Document procedures between central authorities digitally without having to resort to special procedures for validation, based on article 23 of the 1980 Hague Convention.
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	Yes
<b>Finland</b>	Cooperation functions more proficiently electronically and increasing amount of countries accepts return application as email`s attachment.
<b>France</b>	L`autorité centrale française n`a pas constaté de changements majeurs sur ce point à la suite de la pandémie de Covid-19. Elle note toutefois que



	les Autorités centrales et les autres autorités avec lesquelles elle est amenée à être en lien privilégient de manière croissante la voie électronique dans l'échange d'informations, la transmission et le traitement des demandes qui leur sont soumises.
<b>Georgia</b>	Georgian Central Authority cooperated with other Central Authority via email, fax, telephone and in emergency situations via mobile cells in order to effectively implement the objects of the 1980 Hague Convention. The main guiding document for Georgian Central Authority was guide to good practice on Central Authorities practice prepared by HCCH.
<b>Germany</b>	Due to Covid restrictions there were some delays globally, but generally no major problems. In Germany there were no significant effects on the Central Authority's cooperation.
<b>Honduras</b>	N/A
<b>Iceland</b>	
<b>Israel</b>	Since the pandemic, the ICA has made more use of video conference with other Central Authorities, in order to resolve difficulties and promote expeditious handling of cases. It has found that video conference can be far more effective than telephone conversations.
<b>Italy</b>	No
<b>Jamaica</b>	We cooperate and liaise with other Central Authorities and entites
<b>Japan</b>	Bilateral video conferences were held between JCA and Central Authorities of other Contracting States to share information with each other on the progress of individual cases being handled and the actual support being provided by each Central Authority.
<b>Latvia</b>	The Central Authorities mostly allows for the applications and further correspondence to be sent only via e-mail.
<b>Lithuania</b>	It was noticed that some Central Authorities started communicate via e-mails and not official letters, that makes the communication and transfer of information more expeditious
<b>Montenegro</b>	
<b>New Zealand</b>	Cooperation between Central Authorities remains a vital component or key to the operation of the Convention. This was highlighted during covid-19 where mitigating measures or restrictions to travel were constantly changing and co-operation between Central Authorities was vital to secure a safe return of children.
<b>Panama</b>	From a Panamanian perspective, the Central Authority always keep the cooperation between all the competent and judicial authorities.
<b>Peru</b>	It has always been applied, there is permanent co-ordination and communication with the central authorities of the other Hague Convention signatory countries, as well as with the liaison judge of the country and other countries.
<b>Poland</b>	The PCA has no formal role but provides any kind of assistance required during the proceedings (e.g. notification in accordance with Art. 16 if required, information of the Central Authority of the requesting State and procurement of information from there, if necessary).The PCA prefers to contact with other Central Authorities and other competent authorities via email.
<b>Portugal</b>	more use of electronic means/instruments
<b>Singapore</b>	The Singapore Central Authority will work with other Central Authorities and other competent authorities via email.
<b>Slovakia</b>	N/A
<b>South Africa</b>	Generally good but challenging in other instances where responses are not received timeously; where Central Authroities are relying on other agencies such as private attorneys or legal aid to support launching of applications for return.



Spain	No
Switzerland	
Türkiye	The Turkish Central Authority will continue to cooperate with other Central Authorities and other competent authorities. In this context, correspondences are being performed via email.
Ukraine	The cooperation between Central authority and other authorities since 2018 is conducted in electronic form via the System of electronic communication of the authorities of the executive power. These grant the prompt delivering of all correspondence and swift cooperation and communication.
United Kingdom (England and Wales)	ICACU As for 2a) co-operation remains good. Wider adoption of paperless applications has led to improvement in terms of speedier processing times both as a requesting and requested central authority.
United Kingdom (Northern Ireland)	no change
United Kingdom (Scotland)	Not Applicable
United States of America	
Uruguay	<p>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.</p> <p>Communication between our Central Authority and our competent judicial authorities is done electronically, as well as with the liaison judge.</p>
Venezuela	Durante la pandemia, por vía del correo electrónico, la videoconferencia e incluso las aplicaciones de whatsapp y/o telegram, se estrecharon relaciones de cooperación entre la ACV y las Autoridades Centrales requirentes y, a su vez, de la AC Venezolana con las autoridades judiciales locales, para cumplir con las disposiciones del Convenio de Sustracción de 1980, llegando a organizar videoconferencias con las autoridades intervinientes nacionales y/o extranjeras, exclusivamente para cubrir detalles y determinar la logística necesaria para el traslado seguro, con ocasión a la ejecución de sentencias de retornos de NNA.

**h) Providing information and guidance for parties involved in child abduction cases;**

Argentina	This Central Authority provides information and guidance by telephone, e-mail, its official website and videoconference when needed.
Australia	<p>Effective methods already in place continue to be used.</p> <p>The Commonwealth Attorney General's Department, as the Australian Central Authority, provides useful information on the Attorney General's Department's website about overseas child abduction, how to make an application, and FAQs.</p>
Belgium	/
Brazil	Information passed by e-mail has been the main means of contact between the Liaison Judges, the parties and their lawyers and between central authorities.
Bulgaria	Ususally send written analisys and doing oral consultation by phone.
Canada	Practices in this area were not impacted by the pandemic.
Chile	
China (Hong Kong SAR)	Information and guidance are available at our website and could be provided via electronic means.

<b>China (Macao SAR)</b>	There have been no changes.
<b>Colombia</b>	At the Administrative Phase the Administrative Authority explains to the alleged abductor parent the procedure for the Hague Return case. The Sudirección for Adoptions of the Colombian Institute for Family Welfare as Colombian Central Authority, does the same explaining the applicant about the procedure that the request will follow.
<b>Costa Rica</b>	Since September 2022, we have a Whatsapp number 506-8655-5459. Also, we have in our website, information for better access to everyone: <a href="https://pani.go.cr/sustraccion-y-o-visitas-internacionales/">https://pani.go.cr/sustraccion-y-o-visitas-internacionales/</a>
<b>Cyprus</b>	
<b>Czech Republic</b>	No
<b>Denmark</b>	During the pandemic all meetings with a left-behind parent were held over Skype
<b>Dominican Republic</b>	See all previous answers.
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	Yes
<b>Finland</b>	The Finnish Ministry of Justice has an updated child abduction information kit, which can be found from here (in English): <a href="https://oikeus.fi/en/index/mattersand/00c1wj0fo.html">https://oikeus.fi/en/index/mattersand/00c1wj0fo.html</a> This information kit is mostly focused on cases where the child has been wrongfully taken from Finland to a foreign country or has not been returned from a foreign country back to Finland. The information kit has been prepared to provide information and instructions to parents, lawyers working on child abduction cases and the authorities.
<b>France</b>	L'autorité centrale française n'a pas constaté de changement sur ce point à la suite de la pandémie de Covid-19.
<b>Georgia</b>	All the necessary information with regard to the developments of child abduction cases were provided to the parties via email, telephone or mobile cells. Foreign Central Authorities received updated information on the pending child abduction cases in an expeditious manner.
<b>Germany</b>	No specific Covid developments
<b>Honduras</b>	N/A
<b>Iceland</b>	
<b>Israel</b>	The ICA continues to provide information and guidance for parties throughout the handling of the case - we have not found there to be a necessity for changes as a result of the pandemic.
<b>Italy</b>	No
<b>Jamaica</b>	We do provide guidance and information and we are in the process of compiling a booklet
<b>Japan</b>	
<b>Latvia</b>	Information and guidance is being provided via emails or phone calls.
<b>Lithuania</b>	No improvements in this area
<b>Montenegro</b>	
<b>New Zealand</b>	<p>The Ministry of Justice, Family Court of New Zealand publishes information on its website about the 1980 Convention, who to contact if you would like to know more, as well as information about how to prevent an abduction or child from departing New Zealand.</p> <p>The New Zealand CA also works with other agencies to provide information about the Hague Convention and role of the New Zealand CA.</p> <p>The New Zealand CA will discuss with TP and LBP their particular situation</p>

	and circumstances, and will seek information about resources and support services that can be accessed in the event a return is to occur.
<b>Panama</b>	The initial approach from the Panamanian Central Authority is to explain the taking parent the reason why he or she haven been contacted by us. Upon request from the requesting Central Authority, this Central Authority is always willing to provide information
<b>Peru</b>	It has always been applied, there is permanent communication with users, through e-mails, personal interviews and meetings via Google Meet, Zom and WhatsApp.
<b>Poland</b>	The PCA will provide a copy of the application form and may be able to deal with ad hoc queries in relation to completing the form. The Polish Central Authority is not in a position to provide legal advice. The application form can also be downloaded from <a href="http://www.gov.pl/web/stopchildabductions/forms-to-download">www.gov.pl/web/stopchildabductions/forms-to-download</a>
<b>Portugal</b>	Where required, we give advice and guidance to the applicant´s. In Portugal Abduction cases are decided by the Family Courts.
<b>Singapore</b>	The Singapore Central Authority will primarily provide information and guidance to parties involved in child abduction cases via emails, phonecalls and/or videocalls. The Singapore Central Authority would conduct physical meetings with parties on a case-by-case basis.
<b>Slovakia</b>	N/A
<b>South Africa</b>	Generally Good
<b>Spain</b>	No
<b>Switzerland</b>	
<b>Türkiye</b>	The Turkish Central Authority provides information and guidance for parties involved in child abduction cases via emails, phonecalls.
<b>Ukraine</b>	The CA always communicate via emails with the applicants. This grant the prompt answer on the applicants` quires. Also the consultations by phone become very popular during the last year. The parents who try to discover information what measures should be taken in order to grant the child`s return to Ukraine.
<b>United Kingdom (England and Wales)</b>	
<b>United Kingdom (Northern Ireland)</b>	Having referred clients to the Central Authority, there experinece in Northern ireland has been effective, helpful and great guidance was provided.
<b>United Kingdom (Scotland)</b>	Electronic communication already in place pre-covid
<b>United States of America</b>	Our website: <a href="https://travel.state.gov/">https://travel.state.gov/</a> contains links to relevant resources and information for parties involved in child abduction cases including information concerning foreign civil courts, resources for location, completing a Hague Abduction application, information that may be helpful to judges and attorneys involved in 1980 Convention cases , and contact information. Contact information is available in English and Spanish. Our website also provides information on how find an attorney both in the United States and abroad.
<b>Uruguay</b>	Besides other means of communication, our central authority communicates with the parties by email or videoconference.
<b>Venezuela</b>	En virtud de la restricción del contacto físico con otras personas, se estableció como medida sustitutiva, la comunicación con la parte solicitante por cualquier medio electrónico, a través de plataformas y aplicaciones digitales con todo el equipo integrante de la ACV. Como parte del feedback con los usuarios, la Autoridad Central, a través de la página web oficial del Ministerio del Poder Popular de Relaciones Exteriores habilitó el link: <a href="http://atencionconsular.mppre.gob.ve">http://atencionconsular.mppre.gob.ve</a> , para atender y dar

	respuesta a los usuarios de todo el territorio nacional, e inclusive residentes en otro país.
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i) Other, please specify.

Argentina	The Central Authority has organized seminar, workshops, and conferences on the subject matter to disseminate information and good practices to competent authorities.  A handbook with international instruments, national and provincial law was published in 2022. This handbook also contained a brief introduction to the proceedings covered by the Convention.
Australia	
Belgium	/
Brazil	
Bulgaria	
Canada	
Chile	
China (Hong Kong SAR)	
China (Macao SAR)	N/A
Colombia	
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	Los procesos judiciales regulados en la Ley Crecer Juntos para la Protección Integral de la Primera Infancia, Niñez y Adolescencia, incluido el proceso abreviado de restitución internacional, se tramitan de forma electrónica o digital, esto incluye, la presentación de la demanda, o solicitud o cualquier otro escrito, así como las resoluciones y actos de comunicación (art. 262).
Estonia	In all the previous points we also refer to the EU reply and the digitalization initiative
Finland	-
France	Veuillez saisir les informations demandées
Georgia	Not applicable.
Germany	Electronic files are currently implemented specified domestically on a broad scale, so further broadening of digital communication on domestic level due to Covid was helpful and positive. But, legal as well as technical issues remain.
Honduras	N/A
Iceland	
Israel	
Italy	NO
Jamaica	sensitization sessions
Japan	

Latvia	
Lithuania	-
Montenegro	
New Zealand	.
Panama	
Peru	
Poland	n/a
Portugal	Increased cooperation with the Portuguese Social Services
Singapore	
Slovakia	N/A
South Africa	In The RSA , the Central Authority or the delegated Central Authority initiate court and mediation proceedings which strengthened the capacity of the Central Authority to support child abduction matters.
Spain	In general, the protocols, good practices, practical guides, etc., applicable to child abduction cases and that were developed during the Covid-19 pandemic, have not continued to be applied after the pandemic as they were specifically designed for a pandemic period. The pandemic has meant that legal operators are more accustomed to working with new technologies, but the legal basis for the use of new technologies was already foreseen long before the pandemic. The new Bill on Digital Efficiency Measures for the Public Justice Service, published in the Official Gazette of the Congress of Deputies on 12 September 2022, decisively tackles a greater digitalisation of justice on the basis of the fact that the COVID-19 pandemic placed public administrations in front of an unknown dimension, making essential means such as telematic communication, teleworking or delocalised management, tools that are required due to a very exceptional situation, but which time and experience have shown to be in need of the appropriate regulatory, organisational and functional treatment. Title IV of the Bill regulates non-face-to-face acts and services, this being one of the most identifiable aspects of the law, as the opportunity to verify their performance in advance has been generalised, as the acts and services provided in this way have been boosted by the situation caused by the COVID-19 pandemic.
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	ICACU The COVID 19 pandemic has raised awareness of the merits and benefits of meeting virtually as well as in person, which can result in huge savings both in terms of cost and time.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	Not applicable
United States of America	
Uruguay	
Venezuela	Por efecto de la pandemia, para atender la necesidad de los usuarios, fueron creados resoluciones por vía judicial, a través del Tribunal Supremo de Justicia, donde se identificaban tipos de asuntos cuya prioridad, urgencia y necesidad debían ser tramitados, siendo los asuntos de Restitución Internacional una de ellas, es decir, que durante la pandemia, fueron atendidas de forma prioritaria.

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 authorities<sup>3</sup> in your State.

State	Case Name 1	Court Name 1	Court Level 1	Brief summary of the ruling 1
<b>Argentina</b>	R. M. c/ G. S. C. E.	Sala Civil y Comercial	Tribunal Superior de Justicia de la Provincia de Córdoba	Appeal granted and return ordered, the removal was wrongful and the “Grave Risk” exception (art. 13(1)(b) was not proven to the extent required and with the thoroughness in the analysis of the evidence required by the Convention. In the face of the alleged gender-based violence, it is inescapable that appropriate ameliorative measures be taken to ensure the child and his mother's return to France. The judgment was executed.
<b>Australia</b>	Handbury & State Central Authority and Anor [2020] FamCAFC 5	Family Court of Australia	Full Court of Appeal	Her Honour Justice Bennett considered an application filed by the State Central Authority in relation to the father, who was seeking the return of his child to the UK. In this case the parents had agreed to travel to Australia and remain for a period of two years. Justice Bennett ordered the return of the child from Australia to the United Kingdom, based on the child having been wrongfully retained in Australia beyond the agreed timeframe between the parents (the principle of 'repudiatory retention'). The mother appealed the decision to the then Full Court of the Family Court of Australia. The Full Court approved the principle of law applying to the repudiatory retention of a child in Australia as identified by Justice Bennett, and as relied on in the decision of the UK Supreme Court, In the matter of C (Children) [2018] UKSC 8. The principle states that: Repudiatory retention occurs when a retaining parent forms a subjective intention...not to return the child to the state of habitual residence at the expiration of the period which was agreed between the parties as the date on which the child would be returned" "
<b>Belgium</b>	2198	Tribunal de première instance d'Anvers	Première degré de juridiction	Le tribunal saisi de la demande de retour a ordonné le retour malgré un accord préalable au déplacement au motif que l'accord préalable avait été obtenu sur base de fausses informations. Cet accord a, par ailleurs, été retiré par le parent victime dès qu'il a été informé du fait que les informations données par l'autre parent étaient inexactes.
<b>Brazil</b>				The child was repatriated to Canada on the date indicated, August 11, 2021, through a judicial process under the Hague Convention. However, the mother was prevented from accompanying the return, which is guaranteed by the Convention,

<sup>3</sup> 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.



				and has since been denied access to her child. The other parent does not allow video or phone calls with the child and only sends photos when it suits them. Given this situation and concerned about the well-being of her child, who is in a country she is unfamiliar with, where English is spoken and with people who do not speak Portuguese, the mother requests the opening of a PCJI (Central Authority's International Judicial Cooperation) with a request for access/visitation to the child.
<b>Bulgaria</b>				
<b>Canada</b>	Office of the Children's Lawyer v. Balev, 2018 SCC 16	Supreme Court of Canada	Superior Appellate Court	<p>The majority adopted a "hybrid approach" to determining habitual residence under Article 3 of the 1980 Convention, and a non-technical approach to considering a child's objection to removal under Article 13(2) of the Convention.</p> <p>Courts in Canada have elaborated further on the notion of habitual residence notably in the following decisions:</p> <ul style="list-style-type: none"> <li>- K.F. v. J.F., 2022 NLCA, <a href="https://canlii.ca/t/jpffn">https://canlii.ca/t/jpffn</a>,</li> <li>- Ludwig v. Ludwig, 2019 ONCA 680, <a href="https://canlii.ca/t/j26rd">https://canlii.ca/t/j26rd</a>,</li> <li>- Beairsto v. Cook, 2018 NSCA 90, <a href="https://canlii.ca/t/hw5sf">https://canlii.ca/t/hw5sf</a></li> </ul>
<b>Chile</b>	C-1886-2019 (Ruiz/Carr eño Venezuela )	Fourth Family Court of Santiago	first instance (Family Court)	The court denied a return application from Venezuela, based on article 20 of the Convention. It is the first time that article 20 was used in a Chilean ruling. The decision was not appealed by the Central Authority.
<b>China (Hong Kong SAR)</b>	BMC v BGC (formerly known as WCY) [2020] HKFLR 344, [2020] HKCA 317	Court of Appeal	High Court	<p>Left behind parent (Father, who was the Appellant) sought to argue that the correct legal principle in determining a young child's habitual residence was to consider the social and family environment of BOTH parents and the judge at the Court of First Instance took into account a wrong principle as established in the case of ME v CYM [2017] 4 HKLRD 739.</p> <p>The Appellate court found that the court at first instance had looked at the living of the family in the USA from both parents' perspectives. The Appellate court further held that habitual residence is a question of fact the determination of which involves an assessment of a number of different factors which have to be weighed against each other. In considering whether integration in a social and family environment would have a sufficient degree of stability to establish habitual residence, it must be borne in mind that this is often a matter of degree upon which different judges can legitimately differ, so the appeal court should be very cautious in differing from the judge's evaluation and it ought not to interfere unless it is satisfied that the judge's finding lay</p>

				<p>outside the bounds within which reasonable disagreement is possible.</p> <p>The Appellate Court found that the finding of habitual residence by the court of first instance was made after a careful evaluation of the facts and there is no basis to interfere with the judge's finding. The appeal was dismissed.</p>
<b>China (Macao SAR)</b>	Case regarding the exercise of parental authority (No. FM1-17-0064-MPS)	The Family and Minors Court in the Court of First Instance	Court of First Instance	<p>During the judicial proceeding, the Court was notified that the father in the case had filed a child return proceeding in Portugal. Therefore, the Court decided to suspend the proceeding in accordance with Article 16 of the 1980 Convention and the agreement between the two parties in dispute.</p> <p>In 2017, the Central Authority of the Macao SAR determined that the child concerned was not to be returned on the grounds that the mother in the case had been taking care of her son and that she possessed authorisation documents to take her son out of the region.</p>
<b>Colombia</b>	Decision T- 202 of 2018	Constitutional Colombian Court	High Courts	<p>On this Hague Return Case the Constitutional Colombian Court reviewed the second instance decision issued by a Family Court and set a legal precedent regarding the children's rights of being heard. For that reason the Constitutional Colombian Court denied the return of the child.</p>
<b>Costa Rica</b>	SI-NIC-E-0025-2019	Family Court	Higher Court (solves the appeal)	<p>The judge explained about how we should do the access case.</p>
<b>Cyprus</b>	T-v - S (12.11.009.023)	FAMILY COURT OF NICOSIA	FIRST INSTANCE	<p>The Nicosia Family Court, with its Decision under ref. no. 3/2021, dated 26/11/2021, has rejected the return application of the 4 children filed by the father. In particular, the Court held that:</p> <ol style="list-style-type: none"> <li>1. Indeed, as the father's version, the habitual place of residence of the children was Bulgaria immediately before their transfer to Cyprus, as the father had custody of the children immediately before their stay in Cyprus and there was indeed an illegal retention by the respondent. The Court rejected the respondent's version, in relation to the conditions of the children's transfer and the alleged agreement between the parents, as unconvincing.</li> <li>2. In relation to the couple's eldest daughter 14 years old, the Court held that Article 13 (b) of the Convention applied, although, the Court rejected the respondent's version that there had been sexual harassment by the applicant. Nevertheless, due to the facts presented and the fact that the testimony of the respondent mother regarding the father's relationship with a 14-year-old in Bulgaria was not refuted by any testimony</li> </ol>

				<p>of the father, the Court ruled that the return of the child in Bulgaria, you would expose her to a serious danger that is not in line with her age. Also, during the interview the minor had with the Court, it became clear that she opposes to her return to Bulgaria and has adapted to her new environment.</p> <p>3. With regard to the two youngest children, the Court, in an interview with them, found that they were mature enough to be able to express their will to return to Bulgaria and that they also opposed to their return and that have also adapted to their new environment.</p> <p>In view of all the above, the Court concluded that the defense of Article 12 (b) exists in the present case and therefore rejected the application.</p>
<b>Czech Republic</b>	II. ÚS 378/17	Ústavní soud	constitutional court	<p>If a party of the proceedings states specific circumstances leading to the application of Article 13 letter b) of the Convention, it is the court's duty to examine these circumstances and evaluate whether the child is really at risk of serious harm by returning to the country of his habitual residence, or to properly justify why the application of Article 13 letter b) of the Convention is not appropriate.</p>
<b>Denmark</b>	BS-7458/20 22-VLR	Western High Court	2nd instance	<p>The return of the children were denied in accordance with art. 13(b), due to the fact the children had experienced physical violence and returning them would therefore cause them harm.</p>
<b>Dominican Republic</b>	Girl Martinez Benedicto	Court of Appeals for Children and Adolescents of the National District, DR	second degree	<p>The Dominican Central Authority participated in this case as the Requested State, the mother requested the restitution of her daughter. The girl traveled to the Dominican Republic with her father, for vacation reasons, but then the father retained his daughter in our country without the consent of the mother or any judicial authority. In the first place, the First Degree Court was able to confirm the right of guardianship that the mother had before the transfer of her daughter. It also confirmed that the girl had her habitual residence outside the national territory. The Court of Appeal confirmed the decision to return the girl, since the father could not prove the existence of the causes indicated in article 13 of the Hague Convention of 1980.</p>
<b>Ecuador</b>				
<b>El Salvador</b>	No se cuenta con la referencia	Juzgados Especializados de Niñez y Adolescencia	1° Nivel	<p>Que el trámite procesal idóneo para conocer de las pretensiones de sustracción o retención internacional, era el proceso abreviado que regulaba la Ley de Protección Integral de Niñez y adolescencia, por ser el procedimiento más expedito en aquel momento, aun cuando expresamente no estaba reconocido en el texto de la Ley, que los jueces competentes para conocer eran los Jueces especializados de niñez y</p>

				<p>adolescencia, en defecto de los jueces de familia, aún cuando tampoco era reconocido expresamente en el texto de la Ley. Los anteriores criterios se formularon a partir de interpretación jurisprudencial, actualmente con la derogación de la citada Ley se conoce siempre en trámite de proceso abreviado y por el Juez especializado de niñez y adolescencia, ahora sí por ministerio de Ley, al haber sido legislado de esa forma en La Ley Crecer Juntos para la Protección Integral de la Primera Infancia, Niñez y Adolescencia.</p>
<b>Estonia</b>				
<b>Finland</b>	H 20/2457	The Court of Appeal of Helsinki	First instance in child abduction matters	<p>The mother and the child applied for asylum in Sweden. The Swedish immigration authority ruled that the asylum applications should be handled in Finland and ordered the mother and the child to be turned to Finland. The mother and the child moved to Finland without the father`s permission. The Finnish CA received the request for return from the applicant father through the Swedish Central Authority on December 2020. The case was taken to Court of Appeal of Helsinki, which handles the child abduction matters in Finland as a first instance, The Court of Appeal decided that the child will not be returned to Sweden. One of the main arguments for the refusal for the return was that the mother had followed the Swedish Migration Authority`s decision when moving to Finland so the removal could not be seen unlawful.</p>
<b>France</b>	16 février 2022, n°21-19.061	Cour de cassation, Civ. 1ère	Cour Supreme	<p>Le procureur de la République, saisi en application de l'article 1210-4 du code de procédure civile et tenu de faire exécuter la demande de retour émanant d'un Etat étranger sur le fondement des dispositions de la Convention de La Haye du 25 octobre 1980, a, lorsqu'il introduit une procédure judiciaire afin d'obtenir le retour de l'enfant, la qualité de partie principale et ne saurait représenter les intérêts de l'un des parents.</p> <p>En outre, dans le cadre d'un refus de rapatriement, les juges du fond doivent caractériser de manière concrète le danger grave encouru par celui-ci en cas de retour immédiat ou la situation intolérable qu'un tel retour créerait à son égard.</p>
<b>Georgia</b>	Return Case - minor Igelbrink	The Supreme Court of Georgia	The court of last resort, Cassation	<p>The minor was removed from the Federal Republic of Germany to Georgia by his mother without father's consent. Father of the child requested the return of the minor to the Federal Republic of Germany. The case was considered by the First instance, Appellate, and cassation courts of Georgia. The Supreme Court of Georgia found that minor was wrongfully removed, but did not issue a return decision based on Article 13 (b) of</p>

				the Hague Convention since the return decision would have negative effect on the child's psychological condition. The Supreme 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."
<b>Germany</b>				The German Central Authority submits on a regular basis selected decisions by German courts concerning the 1980 HC to the Permanent Bureau for the INCADAT database (see 53 b). For significant and interesting decisions it is advised to take a look into that database.
<b>Honduras</b>	Chretien Cuellar	Chretien Cuellar File 23-2019	Constitutional Chamber	Mandatory face-to-face appearance before the Courthouse based on Sentence 1176-2020 of the Courthouse of the Supreme Court.
<b>Iceland</b>				
<b>Israel</b>	Anonymous v. Anonymous	Family Court of Tel Aviv	First Instance	The Court dealt with a petition concerning the return of a 6 year old child to Russia, against the backdrop of the ongoing war between Russia and Ukraine. The mother is a Russian citizen, the father is a Ukrainian citizen and both parents hold Israeli citizenships. The couple and their child lived in the Ukraine till 2016, and then emigrated to Israel. In 2020 the family moved to Russia, with the father and the minor moving to Ukraine in 2021 and finally back to Israel in 2022. The Court dealt with the question of whether the minor was abducted from her habitual residence in Russia and whether the outbreak of war should prevent the minor's return to Russia. The Court determined that per Article 20, it was not ascertained that the return of the minor to Russia violates human rights or the fundamental principles of the State of Israel, as no evidence was presented by the father to suggest grave risk or harm. Specifically, a concern regarding Western sanctions on Russia affecting access to healthcare and medicine was refuted. As such, the Court ruled that the minor will be returned to Russia, and custody will be decided by local courts.
<b>Italy</b>	decision 36150/2022	Supreme Court of Cassation	second and final degree	Regarding art.12 (1-2) of the Convention, when a period of less than one year has elapsed from the date of the wrongful removal or retention, the authority concerned is not entitled at all to assess whether the abducted child is settled in the new environment..
<b>Jamaica</b>	DJ v MB [2020]	The Supreme	The Supreme Court is the	The application was successful and the child was returned to the country of habitual residence in the USA

	JMSC Civ 230	Court of Jamaica	third tier and highest first instance court.	
<b>Japan</b>	2019 (Kyo) 14 Decision of the First Petty Bench, April 16, 2020 (Reporter: Minshu Vol. 74, No. 3)	Supreme Court	Final appellate	Even after in-court mediation is reached that the child is to be returned, the court may change the clause on the return of the child, when (1) a party claims and (2) the court finds that it is no longer appropriate to maintain the clause due to a change in circumstances, by analogically applying Article 117, paragraph (1) of the Implementation Act.
<b>Latvia</b>				
<b>Lithuania</b>	e2-1244-912/2022	Lithuanian Court of Appeal	Second (appeal) level	The Court dismissed the request for child's return because of child's settlement, after child was living in Lithuania for 6 months. The court made the conclusion that the formal application of one or another term as a basis for making a decision on the (non)return of the child cannot unconditionally become the most important criterion in protecting the child's interests. The meaning of the one-year term specified in Article 12 of the Hague Convention must be assessed not in isolation, but in a complex context, in the context of the second paragraph of the preamble to the Hague Convention and the provisions of other international legal acts, and must be interpreted and applied not formally, but taking into account the purpose of this exception for the return of the child - to ensure protecting the interests of a child who has settled in new environment.
<b>Montenegro</b>				
<b>New Zealand</b>	LRR v COL	Court of Appeal	Superior Court	<p>In LRR v COL the Court held that return of the child to his habitual residence, Australia, would give rise to a grave risk of the child being placed in an intolerable situation. The mother and child would be in a precarious and stressful financial and housing situation. The mother held justifiable fears for her safety in Australia: the father had been convicted of assaulting the mother and of breaching family violence orders and bail conditions. Orders made by the Australian courts had been ineffective to protect her in the past, as the father had not complied with those orders.</p> <p>The Court was satisfied that the risk that return of the mother and the child to Australia would cause a relapse in terms of her mental health and substance abuse was very high. Return to Australia would place not only the mother's mental well-being at risk, but also her sobriety.</p>



Panama	SHENITO ALEXANDER SIMONS FRUTO	Second Court of Children and Adolescents of the First Judicial Circuit of Panama	Second Court of Children and Adolescents of the First Judicial Circuit of Panama	<p>Sentence No.446-17Flia of the twenty-second (22) of November of two thousand and seventeen (2017).</p> <p>Solve:</p> <p>First: To accede to the request for International Restitution presented by the Central Authority of the Republic of Panama, at the request of Mr. Shaw Eugene Simons, of Bermuda, with 602135244 passport, against Mrs. Doris Elizabeth Fruto Aleman, with personal identity card No.8-748-1713 and in favor of the child Shenito Alexander Simons Fruto, with personal identity card No.8-1042-2224 and identity document No.6021233798, in accordance with the reasoning set out in the motive part of this Resolution</p> <p>Second: Order the Restitution for Unlawful Restraint, to Bermuda, of the child Shenito Alexander Simons Fruto, specifically to 12 Camp Hill Road, Southampton Bermuda SN03, domicile of Mr. Shaw Eugene Simons, who must present his minor son to the Court of Bermuda, as the Competent Authority of knowledge of the process of Custody, Custody and Regulation of Visits, so that it can determine what corresponds in law, in favor of the minor</p> <p>Third: To establish the obligation of Mr. Shaw Eugene Simons, to communicate within a term, not exceeding fifteen days, after the respective notifications have been filled and this resolution is duly enforced, the date, on the day and time at which he is to appear before the Court for the delivery of his minor son. And to be able to communicate Mrs. Doris Elizabeth Fruto Alemán, so that she appears at the diligence of delivery of her minor son to the father, in the stands of the Court, in compliance with the resolution of this Court.</p> <p>Fourth: Maintain the Impediment of Departure from the Country of the minor Shenito Alexander Simons Fruto, until the moment in which the diligence of delivery is carried out and thus proceed to communicate to the National Immigration Service, the lifting of the measure and the authorization of departure of the child with the parent, Mr. Shaw Eugene Simons or otherwise, the Central Authority of the Republic of Panama shall coordinate with the Bermuda Central Authority to determine the person designated as responsible for transferring the child Shenito Alexander to Bermuda and presenting him to the Competent Authority to define the Guardianship, Custody and Regulation</p>
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				<p>of the minor.</p> <p>Fifth: Send an authenticated copy of this Resolution to the Central Authority of the Republic of Panama, for the pertinent purposes. And that it can send a representative official to verify the effective departure of the child Shenito Alexander Simons Fruto from our country and can provide feedback to this Authority, regarding compliance with the orders in this Resolution.</p> <p>Sixth: Establish that during the time that the execution process of this Resolution is completed, the Communication Regulation between the child Shenito Alexander Simons Fruto and his father, Mr. Shaw Eugene Simons, developed in file 097-16, through Auto No.1497-16 of November 18, 2016, will be in force.</p>
Peru	CASATION 215-2018-ANCASH dated 23.09.2019	TRANSITIONAL CIVIL CHAMBER OF THE SUPREME COURT OF JUSTICE OF THE REPUBLIC	COURT OF CASSATION	<p>The Supreme Court of Justice of the Republic declared the appeal lodged by the plaintiff to be <b>FOUNDED</b> and, consequently, the Judgment of 25 September 2017, which <b>CONFIRMED</b>, which <b>CONFIRMED</b> Resolution No. 32 dated 19 June 2017, which declared the application filed by the Ministry of Women and Vulnerable Populations in its capacity as Peruvian Central Authority for the fulfilment of obligations imposed on the Peruvian State by the Hague Convention on the Civil Aspects of International Child Abduction to be <b>UNFOUNDED</b>, <b>ORDERED</b> the exceptional remand of the case file to the Superior Chamber in order for it to proceed to issue a new judgment, taking into account the considerations set out above. Whereas: (...) Although it is true that the abduction creates a dramatic situation whose solution does not seem to satisfy anyone, it is no less true that what is sought is to provide a rapid solution that prevents the favouring of the person who broke the family unit. Along these lines, the return of minors cannot be confused with a custody process (although it is a tool for their protection) and therefore cannot lead to unnecessary delays, given that the only thing of interest is to determine whether or not the minor should be returned to the place where he or she had his or her habitual residence. This does not in any way mean that the child is left unprotected, but rather that the decision on custody, custody, parental authority or visiting arrangements must be settled in the country of origin (...) v. The evidentiary stage should be kept to a minimum and, in any event, should be carried out as quickly as possible because the aim of the Convention is to restore things to the state they were in before the abduction (...) (...)".</p>
Poland				

<b>Portugal</b>	No data available	No data available	No data available	No data available
<b>Singapore</b>	UYK v UYJ [2020] 5 SLR 772, [2020] SGHCF 9	Supreme Court of Singapore	High Court (Family Division)	<p>Both the father and mother are British citizens who were residing in Singapore. The mother took their 5-year old child from Singapore to UK without the father's knowledge or consent. Father commenced proceedings in UK and obtained an order for the child to be returned to Singapore ("UK Court Order").</p> <p>The mother filed an application for care and control of the child and for the child to be relocated from Singapore to UK (the "Mother's Application"). The lower Court granted the Mother's Application.</p> <p>The father appealed and relied on the UK Court Order to resist the Mother's Application (the "Appeal").</p> <p>Ruling: The Singapore High Court dismissed the father's Appeal and applied Article 16 of the Hague Convention at [49] which made clear that the UK Court could only decide the habitual residence to select the country with the jurisdiction to decide on the child's custody, care and control. In other words, it was for the Singapore Court to decide which parent should be granted custody, care and control of the child and the UK Court Order had no bearing on the same.</p>
<b>Slovakia</b>	11CoP/4/22	Krajský súd Banská Bystrica (Regional Court of Banská Bystrica)	Appellate Court	<p>Habitual Residence – Art. 3</p> <p>The district court confirmed the first instance decision in which the court stated that in the given case, it is clear that there was no unauthorized relocation of the minor. The decision to temporarily live in Slovakia was a joint decision of both parents of the minor child. The parents and the minor have been living in Slovakia since December 2020. However, it was proven that both of the parents agreed that they would return to the United Kingdom before the minor starts attending kindergarten. Based on the agreement of the minor's parents, the family's stay in Slovakia was only supposed to be temporary, a fact that the minor's mother did not deny at the previous hearings held in custody proceedings. From the moment that the mother of the minor actually decided to stay with the minor in Slovakia permanently, the situation arose that the minor is detained in Slovakia without authorization. The mother's actions thus lead to a violation of the father's right of custody, because the mother is detaining the minor in Slovakia without a mutual agreement with the minor's father, so the mother's actions lead to a violation of Article 3 of the Convention.</p>

<b>South Africa</b>	Central Authority for the Republic of South Africa a.a vs SC (2022/0001) [2022] ZAGPJHC 700 (15 September 2022)	Gauteng Division, Johannesburg	High Court	<p>The application was dismissed and leave was given for the 3 minor children to remain in South Africa</p> <p>The court put in place orders for the payment of maintenance by the father (the 2nd applicant) and contact arrangements between him and the minor children</p> <p>The parents were also ordered to secure therapeutic services for the minor children including therapy to ensure that the bond between the father and the children is fostered</p>
<b>Spain</b>	Amparo appeal number 2937/2015	Constitutional Court	Extraordinary appeal	Judgement Constitutional Court number 16/2016, 1st February 2016 (BOE, 7.3.2016). Appeal for amparo brought by Ms D.V.D., in relation to the decisions of the Provincial Court of Madrid and of a Court of Violence against Women handed down in international child abduction proceedings. Infringement of the right to effective judicial protection (decision founded in law): judicial decisions ordering the return of a minor to her father, resident in Switzerland, which failed to take into account the current situation of the minor in determining her best interests.
<b>Switzerland</b>	5A_467/2021	Tribunal fédéral	Instance d'appel unique	<p>One child wrongfully retained at age 3 – National of United Kingdom and Switzerland – Married parents – Father national of United Kingdom and Turkey – Mother national of Switzerland and Turkey – Joint parental responsibility – Child lived in the United Kingdom until 7 August 2020 – Application for return filed with the courts of Switzerland on 12 April 2021 – Return refused – Main issue : Acquiescence/Consent Art.13(1)(a)] – Father's behaviour deemed acquiescence, namely signing a residence registration, bringing child's personal effects, money transfers, signing a divorce convention accepting Switzerland as the place of jurisdiction. (cf. INCADAT)</p>
<b>Türkiye</b>				
<b>Ukraine</b>	Ruling of 17.08.2022 case № 613/1185/19; N 61-2286св21	Supreme Court	Court of cassation	<p>The claimant applied to the courts of Ukraine with the claim on return of the children from the Republic of Armenia to Ukraine. He substantiated his claims by the fact that he lived together with the defendant as one family without registering the marriage. The claimant gave his consent for the children's travel abroad together with the mother for a period of one year. After the expiration of the granted permit, the respondent did not return to Ukraine with the children, there was no contact with them. The claimant claimed that the removal was wrongful and the children must be returned to the father at his place of residence as soon as possible. As legal grounds for the claim, the claimant referred to the provisions of Article 11 of the 1980 Child</p>

			<p>Abduction Convention. The first instance court refused to satisfy the claim. The Appeal court delivered the new decision and also refused to satisfy the claim on return of the children based on the inappropriate methods of protecting the violated right chosen by the claimant.</p> <p>The Supreme Court considered the cassation complaint on the decisions of the courts of the first and second instances on return of the children in accordance with the 1980 Child Abduction Convention.</p> <p>By its Ruling the Court decided to cancel the decision of the Appeal court because of incorrect application of the norms of substantive and procedural law.</p> <p>The Court decided that the application of the claimant to the court corresponds to the provisions of the 1980 Child Abduction Convention.</p> <p>The Supreme Court proceeds from the fact that the Abduction Convention does not establish limitations in applying to the court with a claim for the return of a child and therefore decision of the appellate court that the claimant had chosen an ineffective way of protecting his interests are erroneous.</p> <p>The Abduction Convention does not in any way prevent the courts of the contracting states from considering the case of child abduction without referring to the Central authorities.</p> <p>Also in its Ruling the Court considered the issues of Jurisdiction under 1996 Convention.</p> <p>In its ruling the Supreme Court, in particular, indicates that the 1996 Child Protection Convention complements and strengthens the 1980 Child Abduction Convention by establishing clear boundaries for the exercise of jurisdiction, including in exceptional cases where the return of the child is refused or not requested. The court mentioned that the 1996 Child Convention reinforces the 1980 Child Abduction Convention by emphasizing the primary role of the authorities of the Contracting State of the child's habitual residence in deciding on the measures that may be necessary for the long-term protection of the child.</p> <p>The Court pointed that under the rules of the 1996 Convention, in case of abduction, the State where the child habitually resided before the</p>
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				<p>removal or retention retains jurisdiction under Article 5, subject to certain conditions under Article 7 of the 1996 Convention. The court mentioned that Article 7 of the 1996 Convention establishes the form of retention of jurisdiction of the state in which the child had his/her habitual residence before the removal or retention. The rules of Article 6 of the 1996 Convention are applicable in cases where it is impossible to establish the place of habitual residence of the child.</p> <p>The rules on jurisdiction enshrined in the 1996 Convention introduce a general approach to the determination of jurisdiction that provides certainty for the parties and can thus help to prevent attempts to find a court of convenience" for international child abduction. The rule of Article 5 of the 1996 Convention defines the place of habitual residence of the child as the primary basis for determining jurisdiction, and encourages parents to apply to the authorities for custody, access/contact and relocation in those Contracting States where their child resides, instead of removing the child to other jurisdictions for solving such issues.</p> <p>Instead, Article 7 of the 1996 Convention provides a special rule regarding jurisdiction in cases of international child abduction. This rule aims to maintain a balance between the two ideas. First, that a person who unlawfully removes or retains a child should not benefit from a change of the authority that has jurisdiction to consider custody or access/contact case. Secondly, that the change of the child's place of residence, if a new place of residence is maintained, is a factor which cannot be ignored to such an extent as to deprive the authorities of the new State of residence of jurisdiction for an indefinite period.</p> <p>Therefore, depending on the establishment of certain circumstances of the case, in particular the habitual place of residence of the children, the court must apply one of the rules defined by the 1996 Convention on the jurisdiction. The jurisdiction is based on the binding of the permanent place of residence of the child and is resolved in each specific dispute depending on the established factual circumstances of the case.</p>
<b>United Kingdom (England and Wales)</b>	G v G [2021] UKSC 9	UK Supreme Court	UK Supreme Court (second and final tier of appeal)	The mother said she experienced persecution from her family in South Africa. As a result, she fled to England with the child and applied for asylum. Upon discovering that child had been taken to England, the father applied for the child's return under the 1980 Hague. At first instance, the High Court held the father's application for a



				<p>return order should be stayed pending the determination of the mother's asylum claim. The Court of Appeal considered that the High Court was not barred from determining the father's application for a return order, nor was it barred from making such an order. The UKSC held that a child who can objectively be understood to be an applicant for asylum cannot be returned to the country from which he or she has sought refuge, pending determination of the asylum claim. However, the UKSC agreed with the Court of Appeal that this did not prevent the court determining the merits of the application under the 1980 Hague in the meantime.</p>
<b>United Kingdom (Northern Ireland)</b>				
<b>United Kingdom (Scotland)</b>	L v H [2021] CSOH 50	Court of Session	Outer House	<p>Dispute regarding habitual residence included dispute as to, whether, if habitual residence in Canada, in which province.</p> <p>If child was habitually resident in Ontario, and respondent did not establish A13(b) defence, could the court return him to Quebec?</p>
<b>United States of America</b>	Monasky v. Taglieri, 140 S.Ct. 719 (2020)	U.S. Supreme Court		<p>Monasky v. Taglieri, 140 S.Ct. 719 (2020) addressed the test for determining a child's habitual residence under the Convention, and the standard of review for the habitual residence determination on appeal.</p> <p>The Court held that a child's habitual residence depends on the totality of the circumstances," which standardizes the U.S. approach across jurisdictions and brings the U.S. approach in line with many other State Parties to the Convention.</p> <p>The Court further held that appellate courts should review lower courts' ruling on the question of habitual residence under the deferential clear error review standard"</p>
<b>Uruguay</b>	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	<p><a href="https://www.incadat.com/es/case/1529e">https://www.incadat.com/es/case/1529e</a></p>

<b>Venezuela</b>	Sentencia N° 0097 del 14/05/2019 Recurso de Amparo Constitucional caso Rinaldo Andazora Vs. Alba Linares	Sala Constitucional del Tribunal Supremo de Justicia	Tribunal Supremo de Justicia	Se estableció con carácter vinculante, concentrar los procesos en el Tribunal de Protección de NNA, que conozca de asuntos relacionados con el mismo grupo familiar, en resguardo de los principios del Interés Superior del NNA, de Unidad y No Dispersión del Proceso, Celeridad y Economía Procesal.
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State	Case Name 2	Court Name 2	Court Level 2	Brief summary of the ruling 2
<b>Argentina</b>	Defensoría de Pobres y Ausentes N° 1 s/Restitución internacional de menor	Sala B Vocalía N° 1	Tribunal de Familia de Formosa	<a href="https://www.incadat.com/es/case/1516">https://www.incadat.com/es/case/1516</a>
<b>Australia</b>	Secretary, Department of Family and Community Services & Magoulas [2018] FamCAFC 165	Family Court of Australia	Full Court of Appeal	<p>In this matter, the applicant mother was seeking the return of her child from Australia to Ukraine. The mother's Hague Convention application was unsuccessful at trial as the respondent father claimed that the child was 'settled' in Australia, as the application was filed more than one year after the child's wrongful removal. The trial judge found in favour of the father, refusing to make a return order.</p> <p>The State Central Authority appealed on the basis that the trial judge erred in failing to exercise their residual discretion under Regulation 16(2) to order the child's return, even where the child is found to be settled. There was no challenge to the finding that the child was settled in Australia. An independent children's lawyer (ICL) was appointed on appeal. The ICL also contended that the appeal ought to be dismissed.</p> <p>The Full Court found, by considering previous cases and the Explanatory Statement to the 2004 Amending Regulations of Regulation 16, that there is no residual discretion for judges to order the return of a child where it is established that the child is settled in Australia. In fact, judges</p>

				must refuse to make a return order where the application was made more than 1 year from the day on which the child was removed to or retained in Australia and the person opposing the return establishes that the child is settled in their new environment. The State Central Authority's appeal was dismissed.
<b>Belgium</b>	2361	Cour d'appel de Mons	Second degré de juridiction	Dans le cadre d'une procédure de retour introduite devant une juridiction belge, le parent ayant déplacé les enfants a sollicité l'application de l'article 13b. Le retour a toutefois été ordonné après que les autorités judiciaires belges aient obtenu des autorités de l'Etat requérant toutes les garanties nécessaires que la situation serait prise en charge par les services compétents au retour des enfants.
<b>Brazil</b>				We had another emblematic case in where the child returned to France through a court injunction. After the return, the Superior Court of Justice (STJ) reviewed this decision and denied the return of the child. The decision became final. Due to France's refusal to comply with the STJ's court decision and return the child, Brazilian judicial authorities imposed monetary penalties on the AGO, the agency responsible for bringing legal action in cases of international child abduction under the 1980 Hague Convention.
<b>Bulgaria</b>				
<b>Canada</b>	Droit de la famille — 182267, 2018 QCCA 1791	Court of Appeal of Quebec	Appellate Court	The exception of settling the child in their new environment is intended to avoid uprooting the child again, when the parent files a judicial application more than one year after the illegal removal or retention. The concept of integration is assessed from the child's perspective and is based on a physical and a psychological component, thus allowing to distinguish adaptation from integration.
<b>Chile</b>	5857-2019 (Santamaria/Rivera, Spain)	Supreme Court	disciplinary complaint	In this return application from Spain both the Family Court and the Court of Appeals rejected the application, ordering for the child to remain in Chile. The applicant (father) presented a disciplinary complaint against the judges of the Court of Appeals, before the Supreme Court. The Supreme Court ordered the return of the child to Spain. The abducting parent (mother) presented an application before the UN Committee on the Rights of the Child and the State of Chile was ordered to compensate both her and the child for grave transgressions to his (the child's) human rights (case 121-2020). This case was handled by a private attorney in Chile, without participation from the Central Authority. The return order was never executed.
<b>China (Hong Kong SAR)</b>	T v L HCMP 376/2022, [2022]	Court of First Instance	High Court	During a heated argument, Father demanded Mother and Child to leave their home in the United Kingdom. Mother later brought Child back to Hong Kong.

	HKCFI 1418			<p>Held that even though the Father asked Mother to leave immediately with the Child, this did not mean that the Father had agreed during the heated argument to give up his rights of custody, or had agreed to the Mother having sole custody or sole care of the Child. In particular, there was no sufficient evidence in the case that the Father had given up his right to determine the Child's place of residence.</p> <p>Accepting the undertakings made by the Father, the Court ordered return of the Child to the United Kingdom.</p>
<b>China (Macao SAR)</b>	Case regarding changes in the exercise of parental authority (No. FM1-17-0141-MPS)	The Family and Minors Court in the Court of First Instance	Court of first Instance	<p>The mother in the case did not return to the Macao SAR after taking the minor to Russia. Having considered that the parental authority of the minor was temporarily handed over to the mother at the time, the Court held that the circumstance did not constitute a wrongful removal of a child under Article 3 of the 1980 Convention.</p> <p>The Court finally ruled the change of parental authority, which should be exercised by the father in the case individually. After the verdict was final, the father filed a child return application to the Court. The Court stated that since it was not the Central Authority of the Macao SAR under the 1980 Convention and had no authority to handle the application, the father should apply to the Social Welfare Bureau in accordance with Article 8 of the Convention. In 2018, the Social Welfare Bureau received the father's application for the child return and transmitted such request to the Central Authority of Russia. However, the Central Authority of Russia replied to the Social Welfare Bureau that it was unable to locate or contact the child.</p>
<b>Colombia</b>				
<b>Costa Rica</b>	SI-NIC-E-0002-2021/21-000082-0673-NA	Family Court	Higher Court (solves the appeal)	The judges explain in a better way, the conflict between the Convention 1980 and the Convention Relating to the Status of Refugee.
<b>Cyprus</b>	A.S -v- R.G (12.1 1.009.00 1)	FAMILY COURT OF NICOSIA	FIRST INSTANCE	The Nicosia Family Court, with its Decision under ref. no. 2/2018, dated 15/41/2019, has rejected the return application of the child filed by the father. In particular, the Court held that the defence of Art. 13 (b) applied namely the child would be exposed in physical and psychological harm by her return to UK.
<b>Czech Republic</b>	I. ÚS 1319/20	Ústavní soud	constitutional court	Determining of the habitual residence of a minor child is the prerogative of the parent, who is attested to by the right and the duty to take care of the child, and not by his or her grandparents. It is not permissible for anyone (including

				grandparents) to arbitrarily take a child away from their parents if they have a different opinion about their upbringing. If the education (care) of the parents or their absence causes a minor child disproportionate harm, the parents can be relieved of their parental responsibility or limited. But only on the basis of the law and a court decision.
<b>Denmark</b>	24537/2022-VLR	Western High Court	2nd instance	A small child had never had habitual residence in the requesting State. The child was born in Denmark but was registered as residing in both State. The left-behind parent argued, that the parties had agreed for the child to move permanently from Denmark, however the High Court did not find it proven that the intention of the parties were for the child to stay permanently in the requesting state. The parent residing in Denmark had not quit their job, or moved their belongings. The High Court therefore ruled, that there was no child abduction.
<b>Dominican Republic</b>	Brothers Pérez Villanueva	Court of Appeals for Children and Adolescents of the Santiago Judicial Department	second degree	This case referred to a request for restitution made by the father against the mother, she transferred her children to our country simulating false documents that she had obtained in the place of habitual residence of the minors. The Dominican Central Authority was able to demonstrate in both degrees of justice with the support of the Central Authority of the Requesting State, that the mother falsified documents and permits to leave the country to illegally transfer her children. The children were interviewed by the judges, they wanted to stay in the Dominican Republic with their mother, but the judges found that the children were being manipulated by the mother in their answers, so their opinion was rejected. The Court of Appeals ordered the restitution of the minors together with their father, who is the one who exercises custody of them in the country of their habitual residence.
<b>Ecuador</b>				
<b>El Salvador</b>				
<b>Estonia</b>				
<b>Finland</b>	H 23/84	Helsinki Court of Appeal	First instance court in child abduction matters	The mother and children came to Finland due act of war in Ukraine in March 2022 and receive temporary protection in Finland. The father, who was married with the mother, stayed in Ukraine and had given his consent for the mother and children to leave Ukraine to Finland and stay there during war time in Ukraine. The mother applied for divorce in Ukrainian court and they were granted in October 2022. The Finnish CA received the request for return from the applicant father through Ukrainian CA on December 2022. The case was taken to Helsinki Court of Appeal, first instance court in child abduction cases in Finland. The Court of Appeal rejected the application. Main

				grounds of the decision were that the father has consented to the children to leave Ukraine and locate in Finland during the acts of war in Ukraine. The acts of war were still ongoing. The fathers return application was based on the divorce of the parents. The Court of Appeal considered that the father could not effectively withdraw his given consent for the children residing in Finland on the grounds which he had presented in his return application. Hence, it was not considered unlawful to not return the children. The Court of Appeal also noted, that as the divorce proceeding were dealt with in Ukraine, also possible dispute on childrens custody, residence or access, would be intended to be resolved in Ukraine.
France	14 octobre 2021, n° 21-15.811	Cour de cassation, Civ. 1ère	Cour Supreme	Après avoir constaté qu'il n'était pas établi que dispositions adéquates avaient été prises pour assurer la protection des enfants en cas de retour, la cour d'appel, qui n'était pas tenue de consulter l'autorité centrale portugaise sur le caractère approprié d'éventuelles mesures de protection, a pu en déduire qu'il existait un risque grave que le retour des enfants ne les exposât à un danger physique ou psychique, de sorte que la demande devait être rejetée
Georgia	Return Case - Minor Vergun	Tbilisi City Court	The court of first instance	The minor was removed from Ukraine to Georgia by his father. The mother of the child requested the return of the minor to Ukraine. Tbilisi city court did not consider the child wrongfully removed since father of the minor introduced evidence that mother gave the consent to the removal of the child to Georgia. Moreover, the court stated, that the child (11 years old) had attained an age and the degree of maturity and took into account his opinion on the refusal to the return to Ukraine together with his mother. It should be highlighted that during the process of reviewing the case, the court analyzed the psychological state of the minor and the estimated results in the case of the minor's return to the requesting state.
Germany				
Honduras				
Iceland				
Israel	Family Appeal 7918/21	Supreme Court of Israel	Final Appellate Level	. In Family File 24437-09-21, the Court dealt with the battle over a six-year-old boy who was the sole survivor of a cable car accident in Italy. The minor lived with his family in Italy before the horrific accident, after which the Italian Courts appointed his aunt who also resides in Italy as his legal guardian. However, the minor was secretly brought to Israel by his grandfather, causing the aunt to petition the Israeli Courts for the return of the child under the Convention. The Court ruled that per Article 3, the minor was wrongfully removed from his habitual residence. The Court rejected the grandfather's claim under Article



				<p>13(b) that the minor would be exposed to a grave risk upon his return to Italy. The Court emphasized that the risk pertains to a risk that would arise from returning to the specific country from which the minor was taken, and not pertaining to a risk that may arise from returning the minor to the person from whom he was taken. As such, claims about custody, parental ability of the guardian or parental behavior will not be taken into consideration during a procedure covered under the Convention. The Court ruled that the minor will return to Italy with his aunt.</p> <p>An appeal of the judgment was heard in Family Appeal 2852-11-21. The Court dealt with the question of whether the habitual residence should be determined by a factual and substantial examination of the circumstances, or whether an independent examination of parental intent should be the determining factor. The Court clarified that the former, factual and substantial approach takes precedence over the latter, while parental intent is still taken into consideration in the grander scheme of facts and circumstances. Pertaining to this case, the Court ruled that although the parents are deceased, their intentions are to be taken into consideration. Moreover, the Court dealt with a question of the right of custody, per Article 5 to the Convention. Specifically, whether such rights can be given to one who is not the parent, in this case, the aunt. In light of Articles 3 and 8 of the Convention, the Court decided that any person or entity can be given the right of custody, and therefore the minor was removed from the aunt, in breach of her custody rights.</p> <p>This decision was further appealed to the Supreme Court, Family Appeal 7918/21. The Supreme Court held again that the minor must return to Italy and that no exceptions under the Convention can be applied to prevent his return.</p>
Italy	decision 3 2194/20 22	Supreme Court of Cassation	second and final degree (overruling the first degree return's order)	<p>In order to ascertain the habitual residence of a child aged of a few months, it's required to take in account the situation of the person on whom the child depends, in particular the reasons, the duration and the conditions of the care-giver parent's previous stay in the Country where the child were born, together with the familiar and social relationships in that Country. It was stated that Judges have to assess, on the above mentioned grounds, whether or not the alleged abducting parent and child were both substantially integrated in a shared social environment, not neglecting the contacts with the other parent position.</p>

<b>Jamaica</b>	JG v ST [2022] JMSC Civ 64	The Supreme Court of Jamaica	The Supreme Court is the third tier and highest first instance court.	The child was wrongfully retained in Jamaica and an order was made for her return to the USA
<b>Japan</b>	2021 (Kyo) 8 Decision of the Third Petty Bench, June 21, 2022 (Reporter: Shumin Vol. 268)	Supreme Court	Final appellate	(supplementary opinion) The refusal of compulsory execution of orders to return children on the sole grounds that a child custody hearing held in a foreign country (even without final ruling) may be inconsistent with the purposes of the Implementation Act, Article 17 of the 1980 Hague Convention, and Article 28, paragraph (3) of the Implementation Act reflected the above-mentioned Article 17.
<b>Latvia</b>				
<b>Lithuania</b>	e2-369-1120/2022	Lithuanian Court of Appeal	Second (appeal) level	The Court ordered the return of children and refused to apply the Art. 13 (1)(b) explaining that the applicant's religious and cultural requirements can not be recognized as the grave risk. The Court also mentioned that weakened or broken relationship between applicant and children caused by their removal, can not be considered as possible psychological harm for children.
<b>Montenegro</b>				
<b>New Zealand</b>	Roberts v Cresswell	Court of Appeal	Superior Court	In Roberts v Cresswell the court said they cannot rule out the possibility of stress and challenges for the children on return. The most material risk appears to be the risk to the mother's mental health that has flow-on consequences for the children. But looking at the situation in the round, the risk of outcomes that are so disadvantageous that they can be described as intolerable for the children is in our view far from grave. There will be transitional challenges for the children, but they can be expected to quickly readapt to life in France: that is after all where the parents made their home, where the children were born, and where the children were initially raised. There will be significant challenges for the mother in returning to France. But the risk that these challenges will result in an intolerable situation for the children did not materialise before she came to New Zealand, and the risk that that will occur on her return falls well short of the description "grave".
<b>Panama</b>	NICLAS ROCCO GALANTE RAMIREZ	Second Court of Children and Adolescents of the First	Second Court of Children and Adolescents of the First Judicial	Sentence No.475-21 F of December thirty (30) of two thousand and twenty-one (2021)  SOLVE:  FIRST: ACCEDE to the request for International Restitution presented by the Central Authority of

		Judicial Circuit of Panama	Circuit of Panama	<p>the Republic of Panama at the request of the Office of Consular Relations of the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela, at the request of Mr. IVAN ROCCO GALANTE SILVESTRI, in favor of the minor NICLAS ROCCO GALANTE RAMÍREZ, of Venezuelan nationality, and against Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ, for being duly accredited the habitual residence of the minor and having proven the illegal retention in accordance with the reasoning set forth in the motive part of this Resolution.</p> <p>SECOND: ORDERS the International Restitution to the Bolivarian Republic of Venezuela, place of habitual residence of the minor NICLAS ROCCO GALANTE RAMÍREZ, located specifically in the Bolivarian Republic of Venezuela, in the State of Caracas, Capital district, Libertador Municipality, San Pedro Parish, Valle Abajo Urbanization, Paseo los Ilustres Avenue with Orinoco Street, Los Símbolos Residences Building 1, for which he will be accompanied by Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ and her father IVAN ROCCO GALANTE SILVESTRI, who must provide the Court with a copy of the travel tickets within a period of 5 days, after the execution of this resolution, and in case of not being able to accompany her minor son the mother for justified cause, it will be the father who will assume the function of transferring his minor son to the Bolivarian Republic of Venezuela, in compliance with the provisions of the motive part.</p> <p>The Central Authority of the Republic of Panama will be informed of the day and time at which the trip of the minor NICLAS ROCCO GALANTE RAMÍREZ must be made, for which he must be presented to the court during business hours and then transferred to the Tocumen International Airport, guaranteeing the safe return to his country of habitual residence. The Central Authority of Panama shall coordinate with the Venezuelan Central Authority so that, once the minor arrives in the Bolivarian Republic of Venezuela, he or she may be received by the authority for the protection of children and adolescents of that State, so that he or she may be presented to the judicial authority that hears the process of the Family Coexistence Regime so that it may determine, what corresponds in law, in terms of the parental relationship of the minor with his parents.</p> <p>THIRD: ESTABLISH that in the event that Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ, does not comply with the provisions of the previous point,</p>
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			<p>the necessary steps will be taken for the location and delivery of the minor NICLAS ROCCO GALANTE RAMÍREZ, to his father, for his respective transfer to the Republic of Venezuela. In case of absence of the parents, it will be delivered to the Central Authority of Panama so that in turn it is delivered to a diplomatic official designated by the Venezuelan Central Authority, so that it can carry out the respective transfer to its country of habitual residence, be placed under the orders of the competent authority in matters of protection, to be presented before the Judge who hears the process of Family Coexistence Regime, in order to resolve what corresponds in law.</p> <p>FOURTH: MAINTAIN the impediment of departure that currently weighs on the minor NICLAS ROCCO GALANTE RAMÍREZ, until the moment in which his departure from the territory of the Republic of Panama towards the Bolivarian Republic of Venezuela is verified, under the parameters established in the previous point.</p> <p>FIFTH: IMPOSE the obligation on Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ, to cover the expenses of the return trip of her son NICLAS ROCCO GALANTE RAMÍREZ, to her place of habitual residence, located in the Bolivarian Republic of Venezuela, under Article 26 of the Hague Convention of 1980.</p> <p>SIXTH: IMPOSE on Mrs. CLAUDIA PATRICIA RAMIREZ FLOREZ, the obligation to appear together with her son NICLAS ROCCO GALANTE RAMÍREZ, on Mondays and Wednesdays each week, at three in the afternoon (3:00 p.m.), while the minor remains in the territory of the Republic of Panama, before the Interdisciplinary Team of the Court that has the competence of this process at that time, who must prepare reports on this appearance and present it directly to said Office. In the event that any of the indicated days is non-working, according to our legislation, Mrs. RAMIREZ FLOREZ will present the child at eight in the morning (8:00 a.m.) of the immediately following business day. If an appeal is lodged against this decision, this measure of protection of law and legal certainty must be complied with by the mother according to the formulas previously proposed.</p> <p>SEVENTH: SEND an authenticated copy of this decision to the Central Authority of the Republic of Panama, represented by the General Directorate of Legal Affairs and Treaties of the Ministry of Foreign Affairs, who must carry out the pertinent proceedings, to accompany the minor NICLAS</p>
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				<p>ROCCO GALANTE RAMÍREZ to the airport for his return trip to his country of habitual residence, in order to certify the departure of the minor from the territory of the Republic of Panama, in addition to carrying out the pertinent coordination procedure with the Central Authority of the Bolivarian Republic of Venezuela in order to designate a consular agent for the transfer of the minor NICLAS ROCCO GALANTE RAMÍREZ when neither of the parents can accompany the child for his return to his country of habitual residence. Likewise, to coordinate the pertinent with the authorities of the Bolivarian Republic of Venezuela, so that once the minor NICLAS ROCCO GALANTE RAMÍREZ returns, he is received by the competent authority in matters of protection in Venezuela in order to be presented before the competent authority to determine what corresponds in law on the coexistence and parental relationship of the minor with his parents.</p> <p>EIGHTH: ORDER the closure and archiving of the file, once the procedures have been completed, after annotating its departure in the respective book.</p>
Peru	EXP. N°: 16460-2016-0-1801-JR-FC-16. DECISION of 13.05.2019	FIRST FAMILY DIVISION OF THE SUPERIOR COURT OF JUSTICE OF LIMA - PERU	SECOND AND FINAL INSTANCE	<p>The First Family Division of the Superior Court of Justice of Lima, REVOKED the Judgment appealed against, which declared the application filed by Desiré Patricia Campos Solgorre against Jaime Carlos Malliza Carrión, regarding the International Return of the minor Ilie Malliza Campos, to be UNFOUNDED, with the rest contained therein, which REFORMED it and declared it to be FOUNDED and consequently ordered the immediate return of the said minor to the United States of America. Whereas: (...) That in the instant case it has been established (...) that the child Ilie Malliza Campos, aged nine years (to date), has as his "habitual residence" the United States of America, where he lived together with his parents Jaime Carlos Malliza Carrión and Desiré Patricia Campos Solgorre, where both married on 27 September 2014 (see Marriage Certificate fs. 18), both of them residing at 11 North French Avenue, Elmsford, New York, (...) that the plaintiffs have submitted to the American justice system, at the initiative of the present defendant, who filed a petition for custody of his minor child, in accordance with the agreement reached by the parties before the Family Court of the State of New York, County of Westchester, dated January 21, 2015, regarding the custody of the child Ilie Malliza in pages 24/26. (...) that it was the plaintiff who in good faith granted a temporary travel permit for the child to the defendant so that he could come to our country,</p>

			<p>having become aware of the delicate state of health of the child's father, from 20 August 2015 to 6 November of the same year (page 29), however, far from returning the child on the agreed date and corroborated by the purchase of the return tickets, he has refused to comply with this agreement, turning this situation into an "unlawful retention", having even led to a rejection of the child's return to our country (page 29), and has refused to return the child on the agreed date. having even led to the child's rejection of his mother, as evidenced by his interview at the Single Hearing Session of 16 January 2017 (fs. 246/248), as well as not allowing the mother to communicate by telephone with her son, as evidenced by the e-mails of fs. 30, 32, 33 and 34, with which, the respondent would be in breach of the custody agreement signed with the respondent, as well as trying to dissociate the child's filial maternal relationship with his mother, (...). ) Finally, it can be seen from the file that the unlawful retention of the child by the defendant took place on 6 November 2015, the date on which he should have returned him to the United States, in accordance with the agreement and the tickets purchased, the mother having filed the International Restitution claim through the Ministry of Women and Vulnerable Populations on 24 August 2016, that is, within the period of one year referred to in Article 12 of the aforementioned Hague Convention, for which reason the immediate return of the said child is appropriate, bearing in mind that the child should have been returned to the United States of America on the date of the agreement and the tickets purchased, and that the mother had filed the claim for International Restitution through the Ministry of Women and Vulnerable Populations on 24 August 2016, this is within the period of one year referred to in Article 12 of the aforementioned Hague Convention, and therefore the immediate return of the said child is appropriate, bearing in mind that the child is in the process of disassociating himself from his mother, as can be seen from the interview that the Court conducted with the child, at pages 246/248, Therefore, it is appropriate to uphold the grievances expressed by the plaintiff and revoke the appealed decision in all its aspects, especially if the letter submitted by the Ministry of Women and Vulnerable Populations dated 27 December 2018, in which they inform "(....) we have learned that the defendant has taken cognizance of the fact that the child's mother is in the process of disengagement with the child's mother figure, as stated in the interview conducted by the Aquo on page 246/248. ) we</p>
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				have learned that the respondent, Jaime Carlos Malliza Carrion, has been detained by the National Police since 20 December of this year, as a result of a police intervention for Illicit Drug Trafficking, in which more than 334 kilos of cocaine hydrochloride were seized...", which does not favour the integral development of the child under guardianship (...)",
<b>Poland</b>				
<b>Portugal</b>	No data available	No data available	No data available	No data available
<b>Singapore</b>	TUC v TUD [2017] 4 SLR 877 (SGHC)	Supreme Court of Singapore	High Court	<p>The father and mother are both naturalised US citizens. The father applied for an order that his 2 children be returned from Singapore to USA, which according to him was the children's place of habitual residence. The mother disputed this and claimed that the father had consented to the children's retention in Singapore. The lower Court agreed with the mother. The father filed an appeal.</p> <p>Ruling: The High Court allowed the appeal on 2 grounds namely, that the children were habitually resident in US and the father did not consent to the children's retention in Singapore. The Court clarified at [74] that "habitual residence" for the purposes of Article 3 of the Hague Convention involves a broad-based inquiry on factors such as "how integrated the child is to the country in terms of the environment, education system, culture, language and people around him/her in that country." The Court further clarified at [81] that consent under Article 13(a) of the Hague Convention meant "whether, on a balance of probabilities, the left behind parent has unequivocally consented to the removal or retention of the child."</p>
<b>Slovakia</b>	15CoP/12/22	Krajský súd Banská Bystrica (Regional Court of Banská Bystrica)	Appellate Court	<p>Habitual Residence – Art. 3</p> <p>The Court concluded that the minor's habitual residence before arriving on the territory of the Slovak Republic up to the age of 2.5 years (until April 10 - 13, 2019) was the Kingdom of Norway. However, the country of the minor's habitual residence changed and it is now the Slovak Republic. The relocation of the child to the territory of the Slovak Republic took place with the cooperation of both parents, and there was no wrongful retention of the child in the territory of the Slovak Republic. In this context, the appellate court also pointed out that a minor child could not acquire a residence, and therefore not even a habitual residence, separately from those who take care of him. Therefore, when determining the usual residence of a minor child, the determining factor is the habitual residence of his parents. If the child's parents move from one state to</p>

				another with the intention of living there permanently, it is possible to consider this act as a change of the child's habitual residence, because the child's habitual residence is dependent on the parents' habitual residence.
<b>South Africa</b>	Central Authority for the Republic of South Africa a.a vs C (20/1838 1) 2021 (2) SA 471 (GJ)	Gauteng Division, Johannesburg	High Court	Whilst the application was dismissed with costs, the court importantly stated that the Article 13 defences create an opportunity to investigate the best interests of the child – within the parameters set by Article 13 - as, “once the abducting parent successfully raises an exception to return, the words ‘is not bound to order the return’ and ‘may also refuse to order the return’ ... make it clear that the court retains a residual discretion to grant or refuse an order for the return of the child. Secondly, once a defence is raised and the court is exercising its discretion to refuse or order the return of the child, the court may conduct an investigation into the best interests of the individual child concerned...”
<b>Spain</b>	Number of appeal 2327/20 18	Supreme Court, First Chamber - Civil matters	Ordinary appeal	Auto 31.10.2018 Supreme Court (among many others in the same sense). The inadmissibility of an appeal in cassation before the Supreme Court in cases of International Child Abduction
<b>Switzerland</b>	5A_437/2 021	Tribunal fédéral	Instance d'appel unique	1 child (allegedly) wrongfully removed at age 4 – National of USA – unmarried parents – Father national of USA and Dominican Republic – Mother national of Switzerland, Dominican Republic, Italy – Shared parental responsibility – Child lived in USA – Application for return filed with the Central Authority of Switzerland on 7th of January 2021 – Return refused – Main issue: Grave Risk (Art. 13(1)(b) – Status quo ante cannot be attained, since mother has a travel ban to the USA. Grave risk for the child if separated from the mother for the next 10 years. (cf. INCADAT)
<b>Türkiye</b>				
<b>Ukraine</b>	Ruling of 20.07.20 22 case № 757/326 90/20-Ц; № 61-1355сВ22	Supreme Court	Court of cassation	<p>In July 2020, the claim to the court on return of the child under the Abduction Convention was submitted on behalf of the citizen of the Great Britain and Northern Ireland.</p> <p>The courts of first and appeal instances refused to return the child based on Art. 12 and 13 of the Convention. In particular, the courts decided that the child is now settled in its new environment. There is a grave risk that the return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.</p> <p>The Supreme Court decided that the court of first instance did not give a proper assessment to the evidences, provided by the claimant, which testified that the defendant for more than one</p>

			<p>year hid the child in Ukraine. In this regard, the claim to the court was submitted in 2020, meanwhile the Ukrainian CA received the return application in September 2018.</p> <p>The defendant deliberately abused her rights regarding the minor child, including the right to raise the child and determine place of residence, hiding the child from the claimant and state authorities, as a result of which there were grounds for applying the exception provided for in Article 12 of the Hague Convention.</p> <p>Since the claimant applied to the Ministry of Justice of Ukraine in September 2018, before the expiry of the one-year period established by Article 12, the provisions of the second paragraph of Article 12 of the Abduction Convention were not applicable.</p> <p>The Court considered the provisions of the second paragraph of Article 12 of the Abduction Convention as exceptional circumstances, which should be applicable only in the cases when the return proceedings are initiated after the expiration of a one-year period from the moment of abduction of the child.</p> <p>Thus, the court of first instance unjustifiably applied Article 12 of the Abduction Convention.</p> <p>Also in this case there were no circumstances provided for by Article 13 of the Abduction Convention. On contrary, the existence of all the conditions defined by Articles 3, 4, 35 of the Abduction Convention, under which the state, on the territory of which the child is located, is obliged to return the child to the state of the habitual residence.</p> <p>The courts of the first and appellate instances limited themselves to references to the fact that the child has settled in the new environment. But, the defendant did not prove the existence of grounds to refuse the return of the child. The court of first instance had all grounds to conclude that the child should be returned to the place of permanent residence, namely to the United Kingdom.</p> <p>Articles 3, 12, 13, 20 of the Abduction Convention contain an exhaustive list of grounds when the court has the right to refuse to return the child to the State of habitual residence.</p> <p>But the defendant under Art. 13 of the Abduction Convention was bidden to prove that there were</p>
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				<p>grounds to refuse the child`s return to the UK.</p> <p>The Supreme Court noted that the subject of the claim was exclusively the return of a minor child. The “custody” issues or the issue of establishing the person who will be granted the right to care for the child in the future has not been resolved. The issue of care and granting of parental rights to one or both parents belongs to the jurisdiction of the competent authorities of the state of the habitual residence of the child (Articles 16, 19 of the Convention).</p> <p>In this particular case, the courts resorted to clarify the circumstances that were not the subject of the claim, in particular the issue of the psychological attitude of the child towards each of the parents, the fulfilment by the parents of their parental duties, maintenance and upbringing of the child that contradicted the purpose and goals of the Abduction Convention.</p> <p>The Supreme Court satisfied the cassation complaint, cancelled the decisions of the first instance court and appeal and delivered the new decision on return of the child to the UK.</p>
United Kingdom (England and Wales)	In re C and another (Children) (international Centre for Family Law, Policy and Practice intervening) [2018] UKSC 8	UK Supreme Court	UK Supreme Court (second and final tier of appeal)	<p>Father applied under the 1980 Hague following retention of the child in England and Wales after an agreed period of travel to the UK. The issues before the UKSC were: (a) what is the effect on an application under the Convention if a child has become habitually resident in the destination state before the act relied on as a wrongful removal or retention occurs and (b) if a child has been removed from their home state by agreement with the left behind parent for a limited period can there be a wrongful retention before the agreed period of absence expires (so-called “repudiatory retention”).</p> <p>On (a) the UKSC held the 1980 Hague cannot be invoked if by the time of the alleged wrongful act, whether by removal or retention, the child is habitually resident in the state where the request for return is lodged. In such a case, that state has primary jurisdiction to decide on the merits, based on the child’s habitual residence, and there is no room for a mandatory summary decision. On (b) the UKSC held that repudiatory retention is possible in law. The Court considered that the objections to such a conclusion are insubstantial, whereas the arguments in favour are convincing and conform to the scheme of the Convention. An objectively identifiable act of repudiation is required, but it need not be communicated to the left-behind parent nor does an exact date need to be identifiable.</p>

<b>United Kingdom (Northern Ireland)</b>				
<b>United Kingdom (Scotland)</b>	W v A and X [2020] CSIH 55	Court of Session	Inner House	<p>Views of child.</p> <p>Child objecting to return.</p> <p>Child in Scotland for more than a year.</p> <p>Court declining to order return pending resolution of dispute between the parents in Polish court.</p>
<b>United States of America</b>	Golan v. Saada 140 S. Ct. 1880 (2022)	U.S. Supreme Court		<p>In Golan v. Saada 140 S. Ct. 1880 (2022), the Court held that upon a finding of grave risk, courts have the discretion, but are not categorically required, to examine all possible ameliorative measures before denying the return of the child.</p> <p>The court further held that a consideration of ameliorative measures (1) must prioritize the child's safety, (2) should not usurp the role of the custody court, and (3) must respect the Convention's requirement to act expeditiously.</p>
<b>Uruguay</b>	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.
<b>Venezuela</b>	Sentencia N° 0356, del 17/09/2019 - Caso Vásquez Cortés contra Reyes Roberti	Sala Social del Tribunal Supremo de Justicia	Tribunal Supremo de Justicia	Sentencia donde se estableció en los Lineamientos de actuación procesal respecto a las autorizaciones judiciales para viajes al exterior de Niños, Niñas y Adolescentes, atender el límite temporal establecido. Así como también, verificar el reingreso del niño, niña o adolescente al territorio nacional, facultándose al operador de justicia implementar todas las medidas pertinentes para verificar el retorno del mismo, o de lo contrario se procede a instauración de oficio del procedimiento de restitución internacional del niño, niña o adolescente, conforme a las disposiciones de la Ley Orgánica para la Protección de Niños, Niñas y Adolescentes, en concordancia con el Convenio de la Haya del 25 de octubre de 1980, debiendo el juez o jueza, adicionalmente, oficiar al Ministerio Público, acompañando debidamente copia certificada de la decisión que califique la retención indebida, a los fines que se inicie la investigación penal correspondiente.

State	Case Name 3	Court Name 3	Court Level 3	Brief summary of the ruling 3
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<b>Argentina</b>	G. T., D. c/M. S., C.	Sala III	Cámara Civil de Neuquén	<p>The restitution of the child was ordered by the Family Court and upheld by the Court of Appeal. Even though the “Grave Risk” exception was rejected, ameliorative measures were ordered as a condition for the safe return.</p> <p>The parties were referred to mediation, and an agreement was reached on all issues required as a condition for the safe return. The agreement was judicially approved.</p>
<b>Australia</b>	Walpole & Secretary, Department of Communities and Justice [2020] FamCAFC 65	Family Court of Appeal	Full Court of Appeal	<p>In this matter, the appellant mother left New Zealand with her two children with the assistance of New Zealand police. The respondent father lived in New Zealand and was permanently banned from entering Australia. This matter raised serious concerns of family violence and the appellant mother was granted leave to raise the grave risk defence before the court of appeal. The court considered the pattern of practice in relation to the father and mother's separation and reconciliation, together with the children's experience of chronic exposure to family violence as complex trauma. The court considered the report of the Family Consultant, which noted that events of the past are more usually the most reliable indicator as to the prediction of current and future family violence. The court allowed the appeal and dismissed the application of the Central Authority as the applicant in the proceedings. The court noted that although the requesting overseas authority and the Central Authority disclosed the mother's application for a protection order and flagged serious risks in relation to family violence, it considered that further attempts could have been made to establish the father's criminal antecedents and the involvement (if any) of child protection agencies in New Zealand in relation to his other children.</p>
<b>Belgium</b>	2179	Tribunal de première instance de Mons	Premier degré de juridiction.	<p>Le tribunal saisi de la demande de retour analyse le concept de résidence habituel pour un jeune enfant. Il constate que:</p> <ul style="list-style-type: none"> <li>- Depuis la naissance, l'enfant vit de manière discontinue dans deux pays différents.</li> <li>- Il n'y a pas d'intention commune des parties quant à l'établissement de la résidence habituelle de l'enfant dans l'un ou l'autre de ces pays.</li> <li>- La résidence habituelle de la mère s'est toujours située en Belgique.</li> <li>- Compte tenu de son jeune âge, l'enfant a toujours accompagné la mère dans tous ses déplacements</li> <li>- Le centre de vie de l'enfant est situé en Belgique (présence de la famille maternelle, perception des allocations familiales, fréquentation régulière d'un milieu d'accueil, etc)</li> </ul>



				En conséquence, le tribunal estime que la résidence habituelle de l'enfant a toujours été en Belgique et constate l'absence de déplacement.
<b>Brazil</b>				Another case that generated intense discussion was the closing by a central authority based on the interpretation that the child's continued stay after the expiration of the travel authorization does not warrant the application of the 1980 Convention. Despite the BCA's insistence on the possibility of applying the 1980 Convention even in these circumstances, the corresponding central authority closed the procedure on its own initiative.
<b>Bulgaria</b>				
<b>Canada</b>	Bakker v Bakker, 2020 BCSC 1620	Supreme Court of British Columbia	Court of first instance	The Court determined that a wrongful retention can occur before an agreed-upon return date (i.e. an anticipatory retention can properly constitute a wrongful retention).
<b>Chile</b>	C-7866-2017	First Family Court of Santiago	first instance (Family Court)	Hague application from Switzerland: the application was granted at every court level and the child was ordered to return to Switzerland. The abducting parent (mother) presented an application before the UN Committee on the Rights of the Child (129-2020 -resolution pending). This case was handled by the Chilean Central Authority, and the return order was carried out in November of 2022 (the abducting parent hid with the child for approximately three years, after the first return order)
<b>China (Hong Kong SAR)</b>	BRS v LYY HCMP 130/2018, [2018] HKCFI 1524	Court of First Instance	High Court	<p>A case where the originating summons was issued more than 1 year after the Mother's repudiatory retention. In considering whether to exercise her discretion to order the return of the Child, the judge took into account the following factors :</p> <ul style="list-style-type: none"> <li>a. the Child's step-father and god-grandmother's evidence showing consistent love which formed part of a strong web of care arrangements for the Child,</li> <li>b. the Child should not be exposed to psychological harm arising from the Father's constant criminal activities,</li> <li>c. without any safe harbour measures, it was intolerable to send the Child to a world of unknown,</li> <li>d. although the Father was found not to have acquiesced the Child's wrongful retention in Hong Kong, he did not make a hot pursuit for no good reason. He also became out of reach when his solicitors in Hong Kong were attempting to contact him to prepare an affidavit in reply, and</li> <li>e. the Father further delayed the return proceedings by applying for legal aid in Hong Kong in the middle of the case.</li> </ul> <p>It was said that the Father's delays have contributed to the settlement of the Child in Hong</p>

				<p>Kong.</p> <p>One of the principal objects of the Convention is to secure the best interests of abducted children, rather than punishing those who abduct them. That being the case, even if there has been morally reprehensible conduct on the part of the abductor, a time must be reached when, if the circumstances so dictate, it harms rather than helps children to order their return. The present case is one of those where the discretion should be exercised against return to help the Child.</p> <p>The return application was refused by the Court.</p>
<b>China (Macao SAR)</b>	N/A (There were only two cases related to the 1980 Convention decided by the Court since the 2017 SC)			
<b>Colombia</b>				
<b>Costa Rica</b>	SI-EEUU-E-0050-201/ 19-000802-0673-NA	Constitutional Court	Constitutional Court	This case was extremely contentious and complex in which the Constitutional Court decided at the end not
<b>Cyprus</b>	C.T G -v- G.K	FAMILY COURT OF PAPHOS (Appl. 24/2019)	EUROPEAN COURTS OF HUMAN RIGHTS ( THIRD SECTION CASE OF G.K. v. CYPRUS ) ( Application no. 16205/21 )	<p>The Paphos Family Court, with its Decision under ref. no. 24/2019, dated 29/1/2021, ordered the return of the child to the USA, filed by the father. In particular, the Court held that the defence of Art. 13 (b) filed by the mother could not be established.</p> <p>On 19 March 2021 the Family Court of Second Instance upheld the first-instance court's judgment in its entirety and dismissed the appeal filed by the mother.</p> <p>on 21/2/2023 the European Court of Human Rights, by its Decision in Application no. 16205/21, (CASE OF G.K. v. CYPRUS ) holded that there has been no violation of Article 8 of the Convention.</p>
<b>Czech Republic</b>	II. ÚS 3345/20	Ústavní soud	constitutional court	The success of any undertakings for safe return is conditional on the willingness of parents to do their part to ensure that their children do not suffer unnecessarily. If this willingness on the part of the parents is missing, even the most appropriate, adequate and generous undertakings for safe return will not ensure

				minors the possibility of harmonious psychological and physical development.
<b>Denmark</b>				
<b>Dominican Republic</b>	Child Contreras Peña	Court of Appeal for Children and Adolescents of the National District.	second degree	This case had the particularity that it involved two women who had undergone a process of artificial insemination to become mothers of the child. The judges were able to observe the custody rights exercised by the biological mother of the child. In this case, the judges rejected the request for restitution, motivating their decision by indicating that the child had already adapted to a new home, and changed his habitual residence, the request was filed at a time when the country was affected by the COVID-19 pandemic. This caused the return request to be filed after the one-year period.
<b>Ecuador</b>				
<b>El Salvador</b>				
<b>Estonia</b>				
<b>Finland</b>				
<b>France</b>	5 novembre 2020, n° 20-17.842 30 novembre 2022, n° 22-16.976	Cour de cassation, Civ. 1 <sup>ère</sup>	Cour Supreme	Dans ces deux décisions, sur le fondement de l'article 13 b de la Convention de 1980 et de l'article 3§1 Convention de New York du 20 novembre 1989, la cour de cassation rappelle que le risque grave encouru par l'enfant en cas de retour doit être apprécié de manière stricte et en considération primordiale de l'intérêt supérieur de l'enfant. Elle censure les deux motivations soumises qui se fondaient sur l'intégration de fait de l'enfant dans l'Etat, son jeune âge pour l'une des espèces, et des allégations du parent ravisseur.
<b>Georgia</b>	Return Case - minor Ovanesyana	The Supreme Court of Georgia	The court of last resort, Cassation	Mother of the child claimed that minor was wrongfully retained on the territory of Georgia by her father and requested the return of the child to Ukraine. The case was considered by First instance, Appellate, and Cassation courts of Georgia. The Supreme Court of Georgia stated that the minor has been living in Georgia for 4 years and the habitual residence of the minor became Georgia since the degree of integrity with Georgia was high. In addition, the Supreme Court particularly emphasized the importance of defending the best interests of the child and stated, that it primarily followed 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.
<b>Germany</b>				
<b>Honduras</b>				
<b>Iceland</b>				
<b>Israel</b>	Family Appeal	District Court of Tel Aviv	Second instance (Appeal)	The parents, Israeli citizens, had moved to the United States for reasons related to the father's work. The child was subsequently born in the US

	10701-04-20		<p>in and obtained U.S. citizenship (her sole citizenship). Both parties had work visas for the United States and were working there. The parents and child came to Israel in November, 2019 (the child was age one) to deal with visa-related matters, with return tickets to the US for February, 2020. The mother refused to return to the United States. The father commenced proceeding for the return of the child in the Family Court of Tel Aviv, which on 20 April, 2020 ordered the return of the child to the United States, ruling that the child's habitual residence was in the United States and that the mother had not proven a defence under Article 13(b). The mother appealed to the Tel Aviv District court which rejected her appeal on 17 April, 2020.</p> <p>On the issue of habitual residence, the District Court cited precedent of the Supreme Court of Israel which ruled that a determination of habitual residence is a purely factual examination which must be broad and inclusive. The overall facts shall certainly include the parents' intentions and the decisions they made, however no independent outside weight should be given to their intentions for examining the facts. The intention is also part of the factual picture. Naturally, the intention datum refers the examination to the parents. Here too the true weight should be given to the precise term Habitual Residence of the Child - which places the child in the limelight. The District Court accepted the lower court's finding and ruled that on the facts of the case, the child's habitual residence was in the United States, that the move to the US was not for a short-term period but rather indefinitely.</p> <p>On this issue of Article 13(b), the mother had stated that she would not return to the US and that there would therefore be a grave risk of harm to the child as a result of the separation from the mother. The District Court accepted the findings of the Family Court and ruled that such damage is under the control of the mother who could return to the United States, and is not damage that would constitute an exception to return. The damage pursuant to article 13(b) is the severe and exceptional damage that the minor will incur due to return to the country of origin. The Family Court had quoted the Guide to Good Practice on Article 13(b), specifically that a taking parent should not, through mere unwillingness to return, be allowed to create a situation that is potentially harmful to the child, and then rely on it to establish the existence of a grave risk to the child.</p>
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				The court further rejected the mother's claimed that the return of the child to the United States would place the child at a grave risk of harm due to the corona virus, taking into account that the virus existed in both countries and that the child had appropriate health insurance in her State of habitual residence.
Italy	decision 102/2020	Constitutional Court		the Court has declared that the criminal Judge, while sentencing a parent for international child abduction, is only entitled on a case by case basis -and not obliged anymore, as formally provided for by criminal code- to suspend his/her from parental responsibility.
Jamaica	RR v ZW [2022] JMSC Civ 43	The Supreme Court of Jamaica	The Supreme Court is the third tier and highest first instance court.	The United States of America is the place of habitual residence for the PW. PW is to be returned to the United States of America on or before the 13 <sup>th</sup> of April 2022.
Japan				
Latvia				
Lithuania	eN2-2683-582/2020	Vilnius County Court	First instance (Order confirmed in appeal instance)	The Court decided that the child was not living in X State permanently and therefore the child's removal from X State to Lithuania can not be recognized as unlawful. The Court concluded that because of very young child's age (up to one year), the child's environment basically coincides with mother's environment. As the mother departed with child to X State being in maternity leave which lasts up to three child's years, and did not terminate these leave in Lithuania, the Court considered that the mother did not have intentions to live in X State permanently.
Montenegro				
New Zealand	Simpson v Hamilton	Court of Appeal	Superior Court	<p>In Simpson v Hamilton the appellate court ruled that it could replace the judgement of the lower court without restraint. Although the Court held that none of the pleaded exceptions to an order for the return of the child had been made out, two years had passed since the original Family Court decision, the child was now 12 and had spent one third of her life in New Zealand where she was well settled and happy at her school, there was therefore "a significant change of circumstances" that gave the court discretion to ignore the clear words of section 105 Care of Children Act. This was despite the mother's actions in fleeing from Germany and then actively trying "to defeat the father's right to be involved in Anna's life".</p> <p>The court was also influenced by a fresh psychologist's report received for the child which had emphasised that the child had suffered from</p>

				<p>post-traumatic stress disorder as a result of her father and associates who forcibly uplifted the child from her school classroom in front of her teacher and classmates while the class was still operating. A warrant was obtained from the Family Court to remove the child and return her to her mother's care, which happened the same evening. The psychologist found that 18 months later the child was still extremely distressed and anxious and remained scared of her father. The psychologist concluded that the child would be adversely psychologically impacted if an order was made for her to be returned to Germany, despite her objections.</p>
<b>Panama</b>				
<b>Peru</b>	<p>CASATION 2001-2016 AREQUIPA dated 15.10.2018</p>	<p>SALA CIVIL TRANSITORIA DE LA CORTE SUPREMA DE JUSTICIA DE LA REPUBLICA</p>	<p>COURT OF CASSATION</p>	<p>The Supreme Court of Justice of the Republic declared the appeal filed by Carlina Elsa Álvarez Zeballos to be UNFOUNDED and, consequently, did NOT CASE the judgement of 07 April 2016, issued by the Third Civil Chamber of the Superior Court of Justice of Arequipa, which CONFIRMED the appealed judgement of 23 October 2015, which declared the claim to be FOUNDED. Whereas: (...) In the present case, the legal issue under debate consists of determining whether or not the High Court has complied with an adequate analysis of the evidence intended to prove that the minor is at risk at the plaintiff's side, thereby erroneously applying the Principle of the Best Interests of the Child (...) That, it must also be taken into account that the experiences a person receives during childhood will be the foundation of his or her adult life. Likewise, for the application of the Principle of the Best Interests of the Child, the paternalistic vision, which considers the minor as a subject of protection, must be set aside, but rather, care must be taken to provide him/her with the necessary conditions to progressively acquire greater autonomy and adult identity that will allow him/her to exercise his/her rights and duties by him/herself (...). That, for this type of conflict, international instruments such as the Hague Convention on the Civil Aspects of International Child Abduction (dated 25 October 1980) and the International Convention on the Rights of the Child (dated 20 November 1989).</p> <p>The first of these, in Article 13, provides for exceptions to the obligation to order the return of the child, which are:</p> <p>a) The parent who had custody rights had not exercised them effectively at the time of the wrongful removal or retention, or had consented to or accepted the removal, and,</p> <p>b) There would be grave physical or psychological danger to the child if return were ordered. (...) in the present case there is no doubt that at the</p>



				<p>time of the wrongful removal of the child, the child's habitual residence was in the city of Noordenveld - Province of Drenthe - The Netherlands, (...) That, as regards the danger to which the child would be exposed if the international return were to take place, it should be mentioned that, (...) it is of the utmost importance for the proper functioning of the child's family to be able to return the child to his or her place of habitual residence in Noordenveld - Province of Drenthe - The Netherlands, (...). ) it is extremely important for the proper psychological development of the child, to have communication with both parents, because according to this, the child in his or her process of formation will develop skills that are important for adult life. (...)That, this Supreme Court does not consider that in the present case there is such a risk, but on the contrary, the Reviewing Chamber has carried out a correct analysis of all the evidence provided to the proceedings by both parties, creating the conviction that the alleged risk does not exist, since the appellant's mere allegation of the existence of danger is not sufficient, given that she has not provided any evidence to prove it. (...) this Supreme Court considers that there is no means of proof or evidence of the actual occurrence of the criminal offence denounced (sexual abuse), only the mother's allegation, with regard to the statement made by the minor, must also be analysed restrictively, as the conclusions reached by the psychological examinations carried out bear no relation to the complaint. For these reasons, this Supreme Court does not consider it justifiable to invoke the grounds of exception denounced solely on the basis of the mother's allegation. (...) ) That, in addition to this, it should be specified that, although it is true that the child is residing in Peru, having managed to adapt easily to our country since the date of his arrival, that is, approximately four years ago, this court does not consider that by virtue of the delay in the processing of the present case since its filing, it is possible to allege that the child has adapted to our country, It is not possible to allege that the child has completely adapted to his or her new home, which is why it would be acceptable for the child to remain in the country, but rather that for no reason can this Supreme Court protect an illegal situation that contravenes international treaties, which could become lawful by the mere passage of time, especially if the mother's actions endanger the proper development of the child. (...) " "</p>
<b>Poland</b>				
<b>Portugal</b>	No data available	No data available	No data available	No data available

<b>Singapore</b>	BDU v BDT [2014] SGCA 12	Supreme Court of Singapore	High Court	(published on INCADAT)
<b>Slovakia</b>	15CoP/19/22	Krajský súd Banská Bystrica (Regional Court of Banská Bystrica)	Appellate Court	Habitual Residence – Art. 3 The district court stated in its decision that all the prerequisites of Art. 3 of the Hague Convention were met in the proceedings. Based on the parents' agreement, the child lived in Prague and there was no agreement on a change of child's habitual residence. It is logical that a minor child of a very tender age does not have much opportunity to integrate into the social and family environment and depends on its parents. The parents of the minor lived and worked in Prague for a long time, bought an apartment there and created a family. Although the visits of a minor at a very young age in Slovakia had a family character and a social dimension, this does not mean that it is possible to draw the conclusion that for this reason there has been a change in the usual place of habitual residence.
<b>South Africa</b>	See cases attached			
<b>Spain</b>				
<b>Switzerland</b>				
<b>Türkiye</b>				
<b>Ukraine</b>	Ruling of 31.08.2022 case № 683/1084/21; № 61-5599 CB 22	Supreme Court	Court of cassation	<p>The Ruling of the Supreme Court relates to the case on return of the children to Lithuania.</p> <p>The court of first instance refused to return the children motivated its decision by the fact that the return of the children to the Republic of Lithuania does not correspond to the best interests of the children, since the minor children, together with the defendant, who is a citizen of Ukraine, have been living in Ukraine for more than two years and have settled in their new place of residence, have close social ties and stable living conditions. The return of the children will lead to the actual removal of the children from their mother, and their separation from their mother could threaten of mental and physical harm to the children's health.</p> <p>The appeal court partially satisfied the claimant's appeal and by its ruling changed the court's decision, namely its motivational part. The decision of the court of first instance remained unchanged.</p> <p>The Supreme Court agreed with the arguments of the claimant's cassation complaint that the defendant did not provide evidences, confirming the existence of grounds for refusal to return the children. The decision of the appeal court can be</p>

			<p>considered as not in accordance with the legal opinion of the Supreme Court, set out in the decision of April 21, 2021 in case No. 522/97/20, that concerns the duty of the person, who committed the wrongful removal of the child (the person objecting to the return), to prove the existence of grounds for refusal to return the child under the Abduction Convention. The defendant's explanations alone cannot be adequate and exhaustive evidence in this case. Courts did not indicate on the basis of which evidences, except the defendant's explanations, they established that the claimant committed violence against the defendant, that he had not interested in communicating with the children and did not try to do so, the technical characteristics of the claimant's apartment and the impossibility of the claimant to live with the children in this apartment. The courts also did not indicate on what basis they preferred the defendant's explanations in this matter to the claimant's explanations.</p> <p>The Supreme Court agreed with the fact that disputes regarding the place of residence and care of the child are not the subject of consideration on the basis of the Abduction Convention and shall be decided by the court of the state of habitual residence of the child.</p> <p>Also the appellate court's conclusion that the satisfaction of the claim will lead to the separation of the children from the mother is groundless. The return decision does not deprive the person, who returns the child to the state of his/her habitual residence, of the right to apply to a competent court and obtain a decision on the merits of the issue of custody of the child.</p> <p>The Supreme Court also notes that the investigation of the living conditions of children in Ukraine can only take place in a comparison of a similar investigation of their living conditions in the country of their habitual residence, determined not by the testimony of the defendant, but by a similar authorized authority of the Republic of Lithuania. In the absence of such an investigation, the conclusions regarding the best interests of the children based only on the investigation of the living conditions of children in Ukraine were groundless.</p> <p>The established circumstances of the case did not confirm that the claimant's children expressed to the court, in accordance with the second part of Article 13 of the Hague Convention, an objection to return and reached such an age and level of</p>
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				<p>maturity that their opinion should be taken into account.</p> <p>Thus, in the context of a Hague return request, the concept of the best interests of the child must be assessed in the light of the Hague Convention exceptions relating to the passage of time (Article 12), the conditions of application of the Convention (Article 13 (a)) and the existence of a “grave risk” (Article 13 (b)), as well as compliance with the fundamental principles of the requested state regarding the protection of human rights and fundamental freedoms (Article 20).</p> <p>In the light of the assessment of the data that the children have already settled in their new environment, the Supreme Court emphasized that the significant delay in considering the issue of the return of the children was caused precisely by the proper exercise of their own powers by the state authorities and the unjustified delay in considering the issue by the courts, which is in particular provoked and the defendant's behaviour.</p> <p>The Supreme Court cancelled the court's decision and decided to return the children to the Republic of Lithuania.</p> <p>The expenses related to the return of the children should be borne by the defendant.</p> <p>The court also established the procedure of the enforcement of the court decision on return of the children, obliging the Ministry of Justice of Ukraine, if necessary, to provide assistance to the defendant in return of the children. In case of refusal to return to Lithuania together with the children within a month from the date of entry into force of this decision, the Ministry of Justice of Ukraine shall take the children and transfer them to the custody of the applicant for their return to Lithuania.</p>
United Kingdom (England and Wales)	Re S (A Child: Hague Convention 1980: Return to a Third State) [2019] EWCA Civ 352	Court of Appeal	First tier of appeal	<p>The child had been wrongfully removed from Germany by the mother to England. The father sought the return of the child to Hungary. The father had made attempts on his own life. He had received a suspended sentence of six months for assault on the mother. The mother appealed the judge's order that the child be taken to a third state. The Court of Appeal addressed the proper approach to assessing protective measures. The court highlighted the difference between protective measures and practical arrangements. The latter are put in place to ensure an orderly return so are directed towards facilitating and implementing the child's return. Protective</p>

				measures designed or relied on to protect a child from an Article 13(b) risk are in a different category. If the court is considering such measures in the context of determining whether the risk has been established or whether such measures would sufficiently ameliorate an identified grave risk, the efficacy of the measures must be addressed with care. The more weight placed by the court on the protective nature of the measures when determining the application, the greater the scrutiny required in respect of their efficacy.
<b>United Kingdom (Northern Ireland)</b>				
<b>United Kingdom (Scotland)</b>	YS v BS (2019) CSH 50	Court of Session	Inner House	A13(a) - consent – matters to be taken into account – need for factual assessment in the circumstances of the particular case.
<b>United States of America</b>				
<b>Uruguay</b>	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
<b>Venezuela</b>	Sentencia 741 del 09/12/2021 (Caso Bastos Teixeira Vs. Franklin)	Sala Constitucional	Tribunal Supremo de Justicia	Decisión mediante el cual se resultó necesario advertir que: “Al tratarse de un caso de Restitución internacional, impone la aplicación de un procedimiento especial de conformidad con el Convenio Sobre los Aspectos Civiles de la Sustracción Internacional de Menores de 1980, y cuya naturaleza es de orden público, siendo que el tema aducido es netamente de orden procesal y que todo Juez debe procurar la búsqueda de la verdad real por encima de la declarada, confirmándose en todo caso la decisión del Tribunal Superior competente, al declarar con lugar la misma.

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

<b>Argentina</b>	<p>A National Procedural Draft Law for restitution and access proceedings is under consideration of the Executive Power.</p> <p>Mediation was implemented in these proceedings. A Mediation Pilot Project has been developed and approved by the Commission on Access to Justice and it is currently being applied.</p> <p>Procedural laws have been issued in nine provinces.</p> <p>Concentration of competence was included in Law 10419 of the Province of Córdoba.</p> <p>The aforementioned Action Protocol has been supported by the Superior Courts of the Provinces.</p> <p>The Central Authority is working on action protocols for civil servants in order to guarantee the correct application of the Convention.</p> <p>As regard developing capacities, seminars on this subject are organized by the Central Authority periodically for judges and judicial officers along the country.</p> <p>Legal officers of the Central Authority have been invited to develop trainings to consular and diplomat agents to improve the application of the Convention.</p> <p>The Central Authority has been promoting the application and dissemination of the Guide of Good Practices. These texts are usually attached to the Application forms.</p> <p>Enforcement of Judgment: Mirror orders are issued and the Enforcement Guide is applied.</p> <p>A handbook with international instruments, national and provincial law was published in 2022. This handbook also contained a brief introduction to the proceedings covered by the Convention.</p> <p>Legal officers of the Central Authority have participated as co-authors in certain publications on the subject matter.</p>
<b>Australia</b>	<p>Child Abduction Convention proceedings are becoming more lengthy and costly, with frequent appeals, both to the Full Court of the Federal Circuit and Family Court and the High Court. Matters are rarely disposed of within the 42 days envisaged by the Regulations and the Conventions. In <i>Barnett v Secretary DCJ</i> [2023] HCA 7, the High Court reiterated its position in <i>MW v Director General, DOCS</i> (2008) 82 ALJR 629 that the speedy disposition of applications must be subordinate to the making of proper and reasonable enquiries and the gathering of evidence." "</p>
<b>Belgium</b>	
<b>Brazil</b>	<p>In 2022, the National Council of Justice issued Resolution 449, which positively marked the guidelines for the procedure of the actions.</p>
<b>Bulgaria</b>	
<b>Canada</b>	<p>Appellate Courts in Canada have been discussing the issue of a stay of a return order pending appeal and have applied slightly different tests in doing so. The relevant decisions are:</p> <ul style="list-style-type: none"> <li>- <i>CCO v JJV</i>, 2019 ABCA 292, <a href="https://canlii.ca/t/j1nfr">https://canlii.ca/t/j1nfr</a></li> <li>- <i>K.M.F. v J.M.F.</i>, 2022 NLCA 4, <a href="https://canlii.ca/t/jlrwx">https://canlii.ca/t/jlrwx</a></li> <li>- <i>Dieffenbacher v. Dieffenbacher IV</i>, 2023 ONCA 189, - <i>Zafar v. Saiyid</i>, 2017 ONCA 919, <a href="https://canlii.ca/t/hp0lp">https://canlii.ca/t/hp0lp</a></li> </ul>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	<p>Nil return.</p>
<b>China (Macao SAR)</b>	<p>Since the 2017 SC, there were no significant developments, given that there were only a few cases related to the 1980 Convention in the Macao SAR.</p>
<b>Colombia</b>	<p>The Colombian Central Authority lead the draft law to regulate the colombian procedure for the incoming Hague Return Cases. The draft is ready to be filed before the Colombian Congress.</p>



<b>Costa Rica</b>	SI-EEUU-E-0021-2020/20-000377-0673-NA. This one is the first case we have with USA in which the Constitutional Court order to return the minor to her habitual residency.
<b>Cyprus</b>	<p>1. For the case of parental child abductions, various government Authorities cooperate, the civil and criminal procedures concerning the parental abduction are activated, the appropriate diplomatic actions are taken and support and guidance is provided to the left behind parents.</p> <p>To record this cooperation, the Ministry of Justice and Public Order, as the Central Authority prepared in December 2017 a Cooperation Protocol". The Protocol, which has been approved by a Council of Ministers Decision in 2018, has been concluded between these state Authorities and records the actions and obligations of each involved Authority for the common goal of enforcing the Convention and especially the Return Orders.</p> <p>2. The Law providing for Mediation in Family Disputes (L 62(I)/2019) was passed in Cyprus in April 2019. This law is expected to contribute substantially to consensual approaches, and to reducing conflicts in cases of domestic disputes, improving communication between family members, fully guaranteeing the rights of children, as well as lightening the load for the justice system, since it is an extrajudicial mechanism for solving domestic disputes.</p> <p>In accordance with the provisions of the law, the Ministry of Justice and Public Order, has prepared Regulations, which determine: (a) the cost of registering on the Family Disputes Mediators Register, (b) the pay for a mediator for carrying out mediation and (c) special training that is required in order to register on the Family Disputes Mediators Register.</p> <p>These Regulations were approved by the House of Representatives in December 2022, and since then, the Ministry of Justice has undertaken to create and maintain a Family Disputes Mediators Register. However, this is expected to be made possible when, and provided that Parliament votes on a relevant amendment which has been drawn up in order to determine and improve certain issues in the law which regard the preconditions for Mediators to register. Essentially, passing the amending law in question will allow for an immediate activation of the provisions of the Law on Mediation in Family Disputes, and will accelerate the functioning of the institution of family mediation in Cyprus. "</p>
<b>Czech Republic</b>	The Central Authority performs the role of guardian ad litem of the child in return proceedings since 1. 1. 2021.
<b>Denmark</b>	None.
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	Main changes are mentioned in Q1 and Q2
<b>Finland</b>	No significant developments.
<b>France</b>	Le règlement n° 2019/1111 du Conseil du 25 juin 2019 relatif à la compétence, la reconnaissance et l'exécution des décisions en matière matrimoniale, et en matière de responsabilité parentale, ainsi qu'à l'enlèvement international d'enfants (refonte), dit "Bruxelles II ter" est entré en vigueur le 1er août 2022. Ce règlement comporte un chapitre entier (articles 22 à 29) qui vient compléter les dispositions de la Convention de 1980 entre Etats Membres (sauf le Danemark). Le délai de 6 semaines par instance est réaffirmé (article 24) et un délai similaire de 6 semaines est posé pour l'exécution des décisions de retour (article 28). Le règlement

	<p>réaffirme le droit de l'enfant à exprimer son opinion (article 26), même dans le cadre contraint de la procédure de retour. La refonte du règlement maintient le dispositif dit de la "passerelle" (article 29), qui n'existe pas dans la Convention de La Haye, et qui permet à la juridiction compétente au fond (lieu de la dernière résidence habituelle de l'enfant) de statuer sur les questions de responsabilité parentale après une décision de non-retour, en rendant une décision qui s'impose au pays refuge. Toutefois, le règlement dit "Bruxelles II ter" circonscrit les hypothèses dans lesquelles cette procédure peut prendre place aux refus de retour fondés sur l'article 13 § 1 b) (risque grave) et 13 § 2 (refus de l'enfant discernant). Enfin, ce règlement permet une circulation facilitée des décisions de retour (article 36) et de passerelle impliquant le retour (article 45) au sein de l'Union Européenne.</p>
<b>Georgia</b>	Please, refer to the question N1.
<b>Germany</b>	<p>Generally speaking, the application practice of the 1980 Convention cannot be assessed without consideration of the Brussels IIb Regulation and the application of its provisions on international child abduction. Thus the revision of the Brussels IIa Regulation and the coming into force of the Brussels IIb Regulation in 2022 has been of significant importance.</p> <p>Due to the outbreak of the war in Ukraine, there were an increasing number of proceedings in Germany under the 1980 HC involving Ukrainian children. German courts carefully decide on the question of the return of the children to the war zone, taking into account the respective developments of the war and the most current living conditions in Ukraine.</p>
<b>Honduras</b>	N/A
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	
<b>Jamaica</b>	domestic law has been put in place to enforce the Convention
<b>Japan</b>	
<b>Latvia</b>	<p>In 2022 (officially presented on 1 June 2022) The Ministry of Justice in cooperation with the Latvian Council of Bailiffs, Ministry of Welfare, State Children's Rights Protection Inspectorate, Ombudsman, Association of Latvian Orphan's and Custody Courts Employees, Psychologist Certification Council and Council of Certified Mediators, has developed guidelines (so called good practice recommendations) on enforcement in cases involving the return of children to the country of permanent residence.</p> <p>The guidelines provide information on the nature, importance and necessity of enforcement procedure. In addition, the guidelines make a significant contribution to ensuring the successful execution of court rulings in accordance with the interests of children</p> <p>Guidelines available (only in Latvian) at:  <a href="https://www.tm.gov.lv/lv/piespiedu-izpilde-lietas-kas-skar-bernu-atgriesanos-pastavigas-dzivesvietas-valsti">https://www.tm.gov.lv/lv/piespiedu-izpilde-lietas-kas-skar-bernu-atgriesanos-pastavigas-dzivesvietas-valsti</a></p> <p>Additional official explanation on developed guidelines is available (only in Latvian) at: <a href="https://lvportals.lv/skaidrojumi/341649-izstradatas-ricibas-vadlinijas-gadijumiem-ja-berns-prettiesiski-aizvests-uz-citu-valsti-2022">https://lvportals.lv/skaidrojumi/341649-izstradatas-ricibas-vadlinijas-gadijumiem-ja-berns-prettiesiski-aizvests-uz-citu-valsti-2022</a></p>
<b>Lithuania</b>	Since 02/01/2017 the new amendment was established in Civil Code of the Republic of Lithuania, related to child's removal from Lithuania to other State ( <a href="https://www.e-">https://www.e-</a>

	<p>tar.It/portal/It/legalAct/TAR.8A39C83848CB/asr). The Article 3.174. p. 3 establishes that a right to bring a minor child, whose permanent place of residence is in the Republic of Lithuania, to a foreign country for a permanent residence, is given to this parent with whom the child's permanent place of residence was established, only after receiving a written consent from the other parent.</p> <p>In case this other parent refuses to give such a consent, then this dispute is resolved by the court. Until this amendment there was no direct requirement set in national law, requiring to get the written consent of one of parents for child's relocation.</p>
<b>Montenegro</b>	In reporting period, there were no cases that stood out with their decisions
<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	From 2017 onwards there are no bills that have been submitted to Congress.
<b>Poland</b>	The Act of 26 January 2018 on the performance of certain activities of the central authority in family matters in the field of legal transactions under European Union law and international agreements introduced the specialisation of judges to rule on cases under the 1980 Hague Convention. Currently, 11 regional courts have been designated to rule on such cases and only one court of appeal has been designated to hear appeals against first instance decisions. In addition, each participant must be represented by a professional attorney.
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	N/A
<b>South Africa</b>	<p>During July 2022, a Family Court was set up in the Gauteng Division, Johannesburg. This has ensured an expeditious resolution of family matters. It is possible to obtain court dates sooner than enrolling matter on the ordinary civil roll. This contributes to a speedier resolution of family matters and matters related to children.</p> <p>This court has now also been set up in the Gauteng Division, Pretoria as from April 2023. The rationale behind these courts is to provide an expeditious hearing of all matters which involve issues relating to family law in general.</p> <p>The further rationale was that, whilst our District Courts (Lower Courts) have Children's Courts which deal with children in need of care and matters pertaining to divorce proceedings, guardianship, primary care and residence and specialised Maintenance Courts, there was no similarly specialised court on a High Court level.</p> <p>The purpose of the Family Court at the High Court level is to streamline those matters into one court and provide the parties with an expeditious hearing. The court in Pretoria hears the following matters unopposed divorces, unopposed and opposed Rule 43's, interdicts, matters pertaining to guardianship, primary care and residence and/or contact issues, relocation applications, enforcement of Family Law Procedures (eg section 7 notices, Financial Disclosure Forms), "semi-urgent" urgent applications, surrogacy applications and Hague Convention applications.</p> <p>Directives have been issued which assist practitioners in the allocation and hearing of their matters in the Family Court.</p>

	<p>The hope is that the Gauteng Division will provide impetus for the other High Courts in South Africa to follow suit and that a uniform approach in dealing with Family Court matters are achieved.</p> <p>There are developments in the response under 2(b) that is relevant to this question</p>
Spain	<p>The reform of the process of international child abduction in Spanish national legislation in 2015 has meant that only two instances are possible, which prevents the Supreme Court from ruling on cases of international child abduction and, therefore, only when an amparo is admitted before the Constitutional Court is there the possibility of a high instance ruling on this type of matter. This has happened only once since 2015.</p> <p>In the field of parental responsibility, in a broad sense, Spain has improved its domestic legislation in a very relevant way. In 2015, Law 4/2015, of 27 April, on the Statute of the Victims of Crime, and Organic Law 8/2015, of 22 July, and Law 26/2015, of 28 July, both amending the system for the protection of children and adolescents, were published. Following these legal reforms, Spain moved towards comprehensive child protection regulations and, as a result, Organic Law 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence, was published. Following Organic Law 8/2021, the best interests of the child have been reinforced in the new Art. 92 of the Civil Code, and Art. 154 of the Civil Code already specifies that parental authority includes... 3° Deciding the habitual place of residence of the child, which can only be modified with the consent of both parents or, failing that, by judicial authorization". In Art. 158 of the Civil Code, section 6 has also been modified, which now adds to the protection measures already contemplated, the precautionary suspension in the exercise of parental authority and/or in the exercise of custody, the precautionary suspension of the visiting and communications regime established in a judicial decision or judicially approved agreement. The preamble of Organic Law 8/2021 also states that: "except for suspension, deprivation of parental authority or exclusive attribution of this power to one of the parents, the consent of both parents or, failing this, judicial authorization is required for the transfer of the child, regardless of the measure that has been adopted in relation to custody or guardianship, as has already been explicitly established by some autonomous communities".</p> <p>With regard to joint custody, Law 16/2022, of 5 September, on the reform of the consolidated text of the Insolvency Act, published in the "BOE" no. 214, of 6 September 2022, introduced in its first final provision an amendment to section 7 of Article 92 of the Civil Code, stating that: "Joint custody shall not be applicable when either of the parents is involved in criminal proceedings initiated for attempting to harm the life, physical integrity, freedom, moral integrity or sexual freedom and indemnity of the other spouse or of the children who live with both of them. Nor will it proceed when the judge notices the existence of well-founded indications of domestic or gender violence. The existence of mistreatment of animals, or the threat of causing it, as a means of controlling or victimizing any of these persons, will also be considered". This measure was already contemplated in Art. 94.4 of the Civil Code for not establishing access in these same situations. In a recent ATS 581/2023 - 1st Chamber Supreme Court, a question of unconstitutionality has been raised with respect to the new 92.7 Civil code insofar as it is considered that, being imperative and automatic, without admitting any exception, it would be sufficient for either</p>

parent to be involved in criminal proceedings, not yet prosecuted, for joint custody to be prohibited.

In Spain, also the year 2015 marked a legislative leap in quality in the field of international legal cooperation. On 20 August 2015, Law 29/2015, of 30 July 2015, on international legal cooperation in civil matters (BOE, no. 182, of 31 July 2015) came into force.

Law 29/2015, of 30 July, on international legal cooperation in civil matters introduced into the Spanish legal system a regulation of direct judicial communications in Art. 4 and established a modern and updated regulation of the exequatur procedure. Subsequently, Law 16/2022, of 5 September, on the reform of the consolidated text of the insolvency Act, published in the "BOE" no. 214, of 6 September 2022, has developed art. 4 of Law 29/2015 by adding four new descriptive sections on how to establish such communications, to ensure the effectiveness of the provisions contained in Regulation (EU) 2015/848, on insolvency proceedings and in line with the provisions of art. 86 of the Brussels IIb Regulation.

In 2019 it was published in BOE No. 85 of 9 April 2019, Royal Decree 242/2019 of 5 April 2019 regulating the legal status of the staff of the Ministry of Justice carrying out the external action in matters of justice, the first, second and third additional provisions of which relate to, outside the scope of which the legal regime is regulated, but also linked to external action in the field of justice, legal counsellors, staff of the Spanish delegation to Eurojust and the judge before the Hague Conference.

Specifically, the Third Additional Provision regulates the appointment of the Liaison Judge before the Hague Conference, on the basis that it is an unpaid function, which holds no position in the State Administration or Justice, and serves as a liaison between the judicial authorities and the interstate organization of which Spain is a member.

In particular, and literally, points out the third additional provision, referring to the Liaison Judge before the Hague Conference, which:

“1. The appointment of one or more Liaison Judges to the Hague Conference on Private International Law, in accordance with the mandate in force before that organisation, shall be initiated by the Ministry of Justice, in agreement with the General Council of the Judiciary, which shall submit a list of eligible candidates. This designation shall not involve exclusive dedication or remuneration.

2. The designation shall be made by ministerial order for a renewable period of three years”.

This novel legislative provision, unlike the specific deadlines set for liaison senior judges, implies that the current holder of the position of liaison judge before the Hague Conference (the same person since his appointment in January 2009), that his term of office is maintained for renewable periods of three years.

In Spain, Law 29/2022 of 21 December, transposing Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018, on Eurojust, and regulating conflicts of jurisdiction, networks of international legal cooperation and staff under the Ministry of Justice abroad, has established as functions of the contact points of the international legal cooperation networks in its Article 28, the functions of

	active intermediation aimed at facilitating cooperation between judicial authorities of different States, and must be available to the competent Spanish authorities, as well as to all other contact points, providing the legal and practical information necessary to improve judicial cooperation.  Thus, the functions described in Spanish Law 29/2022 are already assumed and were also assumed as their own by the Spanish member of the IHNJ. "
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	none
United Kingdom (Scotland)	Judiciary Somewhat counterintuitively, people continued to abduct children during pandemic restrictions. Further, in more recent years there have been more disputes about habitual residence with children residing in more than one state as a matter of course.
United States of America	
Uruguay	
Venezuela	Actualmente, está en estudio un Proyecto de Ley sobre Restitución de Niños, Niñas y Adolescentes, entre las instancias competentes.

### 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

Bulgaria, China (Hong Kong SAR), China (Macao SAR), Cyprus, Denmark, Ecuador, Georgia, Honduras, Jamaica, Lithuania, Montenegro, Peru, Poland, Singapore, Slovakia, United Kingdom (Scotland)

Yes

Argentina, Australia, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Czech Republic, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Iceland, Israel, Italy, Japan, Latvia, New Zealand, Panama, Portugal, South Africa, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United States of America, Uruguay, Venezuela

Please specify the challenges encountered:

Argentina	<p>Please specify the challenges encountered:</p> <p>Some countries make a restrictive interpretation of both international restitution and cross-border contact applications. It has become very common that in allegations of gender violence pending of final resolution, the cases are refused by the Central Authority without being analysed.</p>
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	<p>Other Central Authorities interpret the Convention in a way which is not in harmony with its object and purpose. Besides this, they do not make any effort to locate the children. Furthermore, unilaterally they decide whether to appeal or not the resolutions when they are not favourable to the return of the child even though they legally represent the left behind parent.</p> <p>The contact details of some Central Authorities are not updated which makes it very difficult to communicate with them.</p> <p>For countries that had made reservations over article 26, it is very difficult to find attorneys to provide legal counselling.</p>
<b>Australia</b>	<p>Australia has experienced a range of issues with other states who are a party to the 1980 Convention. These have included the lack of assessment of a case against the principles of the Convention. In some cases, the only assessment has appeared to have been a best interest style consideration, without reference at all to the requirements of the Convention. We have also experienced difficulty with the level of communication and responsiveness of some Central Authorities on the progress of matters, and in some instances the ACA has needed to communicate directly with overseas applicants in order to secure a response.</p> <p>There can be difficulty receiving information from overseas CAs about dates for court hearings and/or adjournments, no communication to acknowledge receipt of an application, limited or no response from some overseas CAs regarding the process for Hague matters in their country (such as mediation, legal assistance and filing an application with the court).</p> <p>There has been an increase in highly resourced taking parents instituting or actively participating in parenting (relocation) proceedings in the requesting state of habitual residence while at the same time opposing the Hague application being heard in the requested state. In such cases the ACA and the Australian courts need to be accurately apprised of overseas domestic proceedings in a timely manner.</p> <p>In some countries the court structure, for example for appeals, does not accord with the relevant country profile.</p> <p>In one matter an overseas authority refused to file an application with their court. The overseas Central Authority indicated that this was because the respondent mother produced a letter signed by the applicant father providing his consent to the mother taking the children from Australia to a third country. The applicant provided an explanation, stating that although he had signed the letter he withdrew his consent a week later. The ACA respectfully requested the overseas Central Authority to reconsider its position. However, despite withdrawing his consent, together with the fact that the consent was in relation to taking the children to a third country (and not the requested country), the authority in the requested country was unwilling to reconsider the matter. The applicant then felt he had no option but to pursue access orders in the requested jurisdiction. In this, and other cases, some overseas CAs have refused the application based on questions that ought to have been determined by the overseas court.</p> <p>There have been applications for return that remain open for several years due to delays in judicial proceedings. Some cases have been open for more than four years. In one case a return order was upheld on appeal to</p>

	<p>the overseas court, however the matter remains ongoing as the child cannot be located. The ACA's attempts to communicate with the relevant overseas CA have been unsuccessful to date, despite attempts to seek assistance through the International Hague Network of Judges.</p> <p>In some countries it is not possible to obtain orders preventing a child from being removed from an overseas country while the 1980 proceedings are considered. Many jurisdictions do not have the equivalent of airport watchlist orders and/or travel injunctions and/or orders requiring the surrendering of passports. In some cases this has led to the child being removed from the country prior to the return order being enforced. In some instances, the overseas CA is not involved with the enforcement process and the taking parent has been able to abscond with the child before the return was able to be enforced.</p> <p>In some cases the ACA has received large volumes of documents that have not been accompanied by a certified English translations and some documents that are irrelevant to 1980 proceedings. In other cases relevant material has not been provided. For example in one matter, during a discussion with the applicant's lawyers, it became apparent to the ACA that there was highly relevant evidentiary material that had not been referred to the ACA by the overseas CA. The applicant's lawyers provided the ACA with those documents but they had not been translated into English and were provided very late to the ACA. The overseas CA did not assist in translating the documents. This impacts the potential success of a request and can place overseas applicants at a significant disadvantage.</p> <p>In some cases we have been unable to obtain the correct contact details to refer an application to an overseas CA.</p> <p>In some jurisdictions parents receive very limited assistance to engage an overseas lawyer. In this respect we note that of course some countries have made a reservation against costs under Articles 26 and 42.</p>
<b>Belgium</b>	<ul style="list-style-type: none"> <li>- Procédures très longues et parfois coûteuses.</li> <li>- Absence de communication avec l'Autorité requise (pas de réponse aux e-mails, impossibilité de communiquer par téléphone en raison de problème de langue, etc).</li> <li>- Manque d'information sur le déroulement de la procédure (le requérant n'est pas informé des audiences, il ne reçoit pas d'information sur les éléments déposés par l'autre partie, etc).</li> <li>- Non exécution de décision ordonnant le retour.</li> </ul>
<b>Brazil</b>	<p>Unfortunately, the Brazilian Central Authority has been facing several difficulties in its bilateral cooperation with certain States Parties of the 1980 Hague Convention since 2017. These difficulties primarily revolve around communication, including:</p> <ul style="list-style-type: none"> <li>a) Some countries interpreting the period of validity of travel authorization strictly, and considering that the retention of a minor in the country after the expiry of the period does not constitute illicit subtraction.</li> <li>b) The lack of information regarding the status of outgoing cases. Despite the Brazilian Central Authority sending recurring requests for updates, there has been no response in a timely manner.</li> <li>c) Delayed responses to requests for information related to the social background of the child, as requested under Article 13, Paragraph 3 of the 1980 Hague Convention.</li> </ul>

	d) Delayed responses to judicial subpoenas issued by Brazilian Federal judges for information held by the Central Authorities of the country of habitual residence of the children, relating to the social backgrounds of the child as requested under Article 13, Paragraph 3 of the 1980 Hague Convention.
<b>Bulgaria</b>	
<b>Canada</b>	<p>Achieving successful cooperation is difficult with some Contracting Parties. For outgoing cases specifically, the main challenges are:</p> <ul style="list-style-type: none"> <li>- a lack of updated contact information for the CAs,</li> <li>- unexplained delays in obtaining an acknowledgement of receipt for an application and/or in obtaining responses to queries regarding its status,</li> <li>- passivity on the part of requested CA not proactively taking steps to advance the case,</li> <li>- requested CA not accepting application and supporting documents translated into French or English,</li> <li>- delays in locating a child,</li> <li>- difficulties or delays in securing legal representation or legal aid for the left-behind parent in the requested State,</li> <li>- court processes slow, unclear and complex in first instance and at the appeal level,</li> <li>- in one case, a judge set aside the application for return on the basis that the left-behind parent did not appear in person in the requested State and despite the fact that the left-behind parent was represented by counsel at the hearing,</li> <li>- delays in enforcement of a return order or inability to enforce a return order,</li> </ul> <p>For incoming cases specifically, the main challenges are:</p> <ul style="list-style-type: none"> <li>- documents that are not accompanied by a proper translation as required under article 24 of the 1980 Convention,</li> <li>- difficulties in obtaining information on the applicable law in the requesting State.</li> </ul> <p>These difficulties and challenges mostly appear to be systemic, due to the lack of sufficient resources or because some CAs take a “hands off” approach resulting in a reactive rather than proactive approach in relation to files. However, in some states, CAs also appear to have a limited or inaccurate understanding of their duties under the Convention.</p>
<b>Chile</b>	The main issue is communication: some Central Authorities do not provide detailed answers to the questions we send them (if they reply at all).
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	As Colombian Central Authority we have faced challenges with the Peruvian Central Authority and the Spanish Central Authority. With the Peruvian Central Authority we have experienced issues regarding the location of the abducted children when they are not peruvian. The Peruvian Central Authority states that they can not search for non-peruvian children, this in opposition of the a) of the Article 7 of the 1980 Hague Convention. On the other hand, the Spanish Central Authority rejects the outgoing Hague Access cases that we send.
<b>Costa Rica</b>	Communication and explaining how our legal system works and what are the competitions of the Central Authority in the hearing.
<b>Cyprus</b>	
<b>Czech Republic</b>	Problems with location of the child, with the length of the return proceedings (the 6-week deadline for issuing a decision is often not

	respected), even countries that did not raise a reservation according Article 26 and are not willing to ensure legal aid for applicants.
<b>Denmark</b>	
<b>Dominican Republic</b>	One of the main places as a destination country for our migration is Spain, this indicates that we constantly have requests for cases that we work on reciprocally between the two (Requested State or Requesting State). However, Spanish legislation or regulations for the application of the 1980 Hague Convention do not establish the procedure for requests that have as their object the application of article 21 of this Agreement, this means that the Spanish Central Authority does not accept requests for access or visits between both states. This has consequences for us because we do not have their cooperation to guarantee the right of children and adolescents to share visits with their parents.
<b>Ecuador</b>	
<b>El Salvador</b>	La falta de contestación a requerimientos realizados a otras autoridades centrales relacionados a completar documentación pertinente previo a presentar el caso en sede judicial.
<b>Estonia</b>	There have been issues regarding the reinforcement of return decisions in Russian Federation
<b>Finland</b>	<p>With some states, we have encountered problems in receiving necessary information for the applicants in their case. The information regarding the laws and procedures in the requested state and regarding the initiation of the return proceedings has sometimes been insufficient. Also, it has been unclear whether the return application is pending in the court and whether the requested Central Authority is assisting in the proceedings. Also the length of the proceedings in some states is considered a problem.</p> <p>Additionally, it has been sometimes challenging to receive responses from some States. We have not received receipt of request, updates about the status of the case and sometimes the information received has been outdated.</p>
<b>France</b>	<p>Certains Etats signataires n'ont pas désigné d'autorité centrale, rendant de facto impossible la mise en œuvre de la Convention de 1980. Les coordonnées de certaines autorités centrales ne sont pas à jour sur leur profil de pays sur le site de la HCCH. Cela pose particulièrement problème lorsqu'il ne s'agit pas d'interlocuteurs réguliers. De la même manière, il conviendrait de privilégier la mise en place d'une adresse mail structurelle permanente pour les autorités centrales, plutôt que d'indiquer sur la fiche pays les adresses mail personnelles des membres du service, qui sont amenés à changer. Certaines autorités centrales ont des délais longs de réponse (plusieurs semaines, voire parfois mois).</p> <p>Enfin, certaines autorités centrales considèrent que lorsque le parent requérant introduit directement la procédure sur le fondement de l'article 29, elles ne sont plus tenues de suivre l'affaire. Ainsi, elles refusent d'intervenir lorsqu'elles sont saisies de difficultés telles que la longueur anormale de la procédure de retour, ou lorsque leur sont adressées des demandes d'explication sur leur droit national ou sur le déroulement de la procédure. De même, lorsque le parent requérant se rend dans le pays de déplacement pour essayer de voir l'enfant ou de dialoguer avec le parent ravisseur, certaines autorités centrales estiment ne plus devoir intervenir dans la procédure de retour, alors qu'elles ont agi au titre de la demande de retour qui leur a été adressée.</p>
<b>Georgia</b>	
<b>Germany</b>	In some Contracting States the duration of the return proceedings is not in conformity with the 1980 Convention as the proceedings take too much

	time, sometimes years. The delays occur both at an early stage concerning the filing of the application before the competent court as well as later concerning the duration of the actual court proceedings. The fact that in some states various stages of appeal with numerous possibilities of cassation and/or of referral to a lower instance by a higher court are possible enhance this problem. Furthermore, there is no swift enforcement procedure in some states. Most of these problems seem to be systemic and allegedly mainly originate from a lack of coherent implementing legislation and a lack of understanding and/or acceptance of the ideas and aims of the 1980 Convention among judges and other institutions in those countries.
<b>Honduras</b>	
<b>Iceland</b>	Occational challenges regarding enforcement of court decisisions and also regarding locating child and the abducting parent.
<b>Israel</b>	<p>1) Significant communication difficulties with some requested Central Authorities (see paragraph 13), which result in significant and harmful delays in the case.</p> <p>2) Difficulties in securing legal representation in the requested State (see paragraph 15)</p> <p>3) Difficulties in locating abducted children (see paragraph 17).</p> <p>4) Difficulties in obtaining information about the operation of the Convention in some States, especially States that have not provided a Country Profile to the HCCH website</p> <p>5) Extremely lengthy legal proceedings in some Contracting States. Proceeding continue for months if not years.</p> <p>5) Lack of effective and/or efficient mechanisms/procedures for enforcement of orders for return, such that orders are not enforced and the children do not return.</p> <p>In all of these examples, the problems are systemic in the particular states and appear to be a result of insufficient implementing legislation, lack of familiarity/understanding of the Convention by Central Authorities, courts and/or other authorities involved in the operation of Convention, and/or lack of cooperation/coordination between the relevant authorities in the state.</p>
<b>Italy</b>	Delays on discovering the whereabouts of children abducted, serious difficulties to enforce return's decisions, neglecting requests, filed during the proceedings, for provisional contacts between applicants and children, lack of prompt information on the pending proceedings.
<b>Jamaica</b>	
<b>Japan</b>	In some Contracting States, the judicial process of the return of the child takes excessively long period of time and, as a result, does not satisfy the requirement of expeditious processing of the case under the 1980 Hague Convention. Also due to the lack of concentration of jurisdiction over the Hague child return cases in certain Contracting States, some cases took more than a few months to set the date of the initial hearing.
<b>Latvia</b>	Cooperation with the Central Authority of Russian Federation. None of the submitted application has been processed to the Court, either no information was available on child's place of residence, or it was difficult to initiate the proceedings due to lack of any assistance with the legal aid.
<b>Lithuania</b>	

<b>Montenegro</b>	
<b>New Zealand</b>	<p>There have been instances where requested States have been slow to respond to communications which has caused delay and uncertainty in what are already uncertain times.</p> <p>With the increased focus on the situation for the child and TP on return, and desire to provide some level of certainty, requests for assistance to obtain information in circumstance beyond the power and function of the Central Authority have increased.</p> <p>The desire to obtain this information needs to be tempered to the extent appropriate under the legal framework of the requested State.</p> <p>Difference in the interpretation of what constitutes a protective measure and the extent to which measures may be imposed to facilitate a safe return is a growing concern. Some States have adopted a very broad interpretation of what constitutes a protective measure and others a very narrow interpretation.</p> <p>The difference in interpretation has the potential to undermine the primary purpose of the Convention and that the law of the contracting States relating to such rights be respected.</p> <p>This raises the question whether some of the conditions imposed are in effect creating self executing orders where the conditions imposed cannot be properly met and undermine the principles of the Convention.</p>
<b>Panama</b>	The locations of the minor sometimes is challenging and also not taking into account article 11
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	The execution of return Orders (return to Portugal)
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	As stated previously Central Authorities take too long to respond especially when they are dealing with applicants via attorneys, a Central Authority has not responded at all, Central Authorities have limited capacity to cooperate when they are dependant on other sectors for assistance for eg, when a Central authority is not legally qualified then they wait on the AG attorney to respond; some Central Authorities will question why they need to give a report on social welfare circumstances despite Article 7 making provision for this. When a matter is before court the court will often want information or evidence related to a particular issue raised during the trial and Central Authorities are not able to respond promptly. The child is not legally represented.
<b>Spain</b>	Lack of enforcement of return orders Lack of information and extreme delays to obtain a decision
<b>Switzerland</b>	D'après notre expérience, la collaboration avec les autres Autorités centrales et avec les autorités compétentes des autres Etats varie énormément. Il y a notamment des Autorités centrales qui ont des délais de réponse très longs et qui refusent de communiquer par téléphone (voire même par courriel). Cela rend la collaboration moins efficace et directe. En outre, la quantité d'informations reçues après ce laps de temps n'est pas toujours suffisante à un traitement approprié des dossiers.
<b>Türkiye</b>	As the Central Authority of Türkiye, we continue to have problems with some central authorities in our applications under the 1980 Convention.



	<p>Firstly, our requests for information about the application and litigation process from the central authorities are either inconclusive or are answered very late. In some cases, we have to send information requests through diplomatic channels.</p> <p>Another difficulty is that in some contracting states, litigation regarding the application of the Convention is left to the sole discretion of the applicant. Applicants lose time in the process of finding a lawyer and agreeing on fees in contracting states. Expected cooperation in the processes of benefiting from legal assistance is not made.</p> <p>In some countries, it was determined that the application form and the attached documents were not submitted to the judicial authorities by the central authority. In this case, the applicant had to re-submit the application form and its annexes to the court, and the proceedings were prolonged.</p>
<b>Ukraine</b>	<p>As the CA we faced challenges with Spain in achieving successful cooperation. In several return cases the State Legal Service closed the cases considering that the case had no chance of success due to the war situation in Ukraine.</p> <p>The position of the Ukrainian CA is taking into account the practice of applying the 1980 Convention in relations between Ukraine and the Kingdom of Spain and basing on the provisions of Article 11-13 of the Convention, is that the consideration of a case on the return of a child from the Kingdom of Spain to Ukraine and delivering a decision on the return of the child or the refusal to return the child falls within the competence of the court of the Kingdom of Spain.</p> <p>At the same time, the practice of issuing decisions in the return cases in foreign Contracting States during this year is varied. There are already decisions of foreign courts delivered in 2022 after February 24, 2022, which satisfied the return claims and ordered the return of a child to Ukraine. The decisions have been enforced and the children were returned to Ukraine to the safe regions.</p> <p>In regard of all abovementioned and being guided by Article 7 “e” and “i” of the 1980 Conventions, the Ukrainian CA applied to provide information on the competence of the Ministry of Justice of the Kingdom of Spain as well as the State Legal Service regarding taking decisions not to initiate the return court proceedings, and asked not to close the return cases, to accept the return applications and to take all necessary measures, foreseen by Article 7 of the 1980 Convention, including paragraphs “f” and “g”, in order to avoid violation of provisions of the 1980 Convention and parental rights of the applicants and children’s rights, prescribed by the international treaties and internal legislation of two States.</p> <p>At the moment of preparation responses on the Questionnaire we have not received response of Spanish CA concerning the matter.</p>
<b>United Kingdom (England and Wales)</b>	<p>ICACU ICACU continues to encounter communication issues with some Central Authorities – where enquiries/communications remain unanswered or there are lengthy delays before a response is received. The problems appear to be systemic e.g., inadequate channels of communication, or infrastructure challenges or changes in personnel within the Central Authority.</p>
<b>United Kingdom (Northern Ireland)</b>	<p>I had difficulties obtaining updates in relation to the case, ie had papers been lodged, court hearings etc. CA unable to provide updates apart from</p>

	case was with Public Prosecutor. I obtained update once case was dealt with.
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	We look forward to discussing the challenges of implementation of the Convention at the 2023 Special Commission meetings. Typically, the challenges we observe include delays in the judicial process, difficulties in enforcing return orders, an overly broad interpretation of the exceptions to the obligation to return a child pursuant to the Convention, difficulties in locating abducted children, and some problems with communication between central authorities. For example, we have seen courts find that the well-settled defense is available even when the petition was filed within one year of the alleged wrongful removal date. We look forward to continuing to collaborate on these issues both in the Special Commission meetings and through bilateral communications.
<b>Uruguay</b>	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.
<b>Venezuela</b>	Debido a la situación país que atraviesa el Estado Venezolano, en los ultimo 5 años aproximadamente, la mayoría de las solicitudes de restitución requeridas por Venezuela, fueron negadas bajo la excepción establecida en el 13,b) del Convenio de 1980, convirtiéndose así una excepción, en una regla generalizada invocada por las autoridades de los países partes requeridos. Este hecho, aún persiste sistemáticamente, en gran medida, en países como Perú, y menor grado, por Ecuador, Chile y otros países de América Latina, obviando inclusive las cuestiones más simples exigidas en el Convenio de 1980 como países contratantes, en el sentido de adoptar las medidas necesarias para la ubicación del NNA, cerrando los casos al cabo de un año, si el solicitante no proporcionaba la dirección completa donde se encuentra el niño. Por ejemplo, específicamente con la República del Perú como país requerido, no se ha obtenido información sobre alguna solicitud que haya sido remitido a la vía judicial, esto, por la ausencia de aplicación de medidas para la ubicación del NNA. De manera que, todas las solicitudes han sido cerradas en vía administrativa, por la AC Peruana.

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

Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Cyprus, Denmark, Ecuador, El Salvador, Finland, Georgia, Honduras, Iceland, Jamaica, Latvia, Lithuania, Montenegro, New Zealand, Panama, Poland, Singapore, Slovakia, Türkiye, United Kingdom (Northern Ireland), United Kingdom (Scotland)

Yes

Argentina, Australia, Belgium, Brazil, Canada, Colombia, Costa Rica, Czech Republic, Dominican Republic, Estonia, France, Germany, Israel, Italy, Peru, Portugal, South Africa, Spain, Switzerland, Ukraine, United Kingdom (England and Wales), Uruguay, Venezuela

Please specify:

<b>Argentina</b>	See question 3.
<b>Australia</b>	<p>Some requested States have been slow in their response when return applications are made increasing the risk that abducted child/children will become settled in their new environment. In some cases Central Authorities have been slow to provide information about outcomes or have not provided any information at all. There have also been some cases where there has been no acknowledgment at all of applications that have been referred and assistance has been sought through diplomatic channels. By way of example, one matter was referred to an overseas CA, filed in court and then adjourned until further notice due to unforeseen circumstances involving the court's Judges. The matter was not heard for over 18 months and the ACA were required to continually seek updates to pass onto the applicant. Updates from the overseas CA would provide little to no information about how or when the matter would be likely to progress.</p> <p>There have also been cases where an overseas CA has claimed that an application cannot be progressed due to being unable to locate the subject child, yet have performed a welfare check on the child, suggesting that the location of the child is known. Such delays can disadvantage an applicant's application under article 12 and are not consistent with article 11 of the Convention. As noted in response to the question above, in one matter an overseas CA has been unable to locate a child following a return order being upheld on appeal. The overseas CA has not responded to any communications at all, despite assistance being sought through the International Hague Network of Judges.</p>
<b>Belgium</b>	<ul style="list-style-type: none"> <li>- Rejet de la demande sur base de l'article 27 sans fondement.</li> <li>- Non application des articles 16 et 17 de la Convention de La Haye de 1980 par les autorités de l'Etat requis.</li> <li>- Utilisation intempestive de l'article 13 b par les juridictions saisies de la demande de retour.</li> </ul>
<b>Brazil</b>	<p>We face difficulties in returning children when the taking parent is threatened with an arrest warrant for custody breach.</p> <p>In addition, Some States parties, instead of submitting requests of return/access under the 1980 Hague Convention seem to prefer to send rogatory letters, based on bilateral treaties, in order to have their custody orders enforced directly in Brazil. On other occasion, one State Party sent the rogatory letter in parallel with the request of international judicial cooperation under the 1980 Hague Convention, making use of 2 different Brazilian Central Authorities and 2 different judicial procedures, that are dealt by different judicial instances. This may raise difficulties on the adequate application of the 1980 Hague Convention and, when the foreign order is internalized by the "exequatur" to the Brazilian legal system, it may lead to the understanding that the Brazilian judicial authorities have become competent for ruling on the merits of rights of custody, what is contrary to the article 16 of the 1980 Hague Convention. We are able to identify at least one European Central Authority that has not sent at least two Brazilian outgoing cases to court, arguing that the case would be closed directly by the Requested Central Authority on the grounds of article 12 (settlement of the child to the new environment, due the fact that the 1 year time framed had elapsed) and article 13 I (b) (which, accordingly to that Requested Central Authority included the separation of siblings). All our attempts to have this administrative decision reverse – in order to have those cases sent to court were not taken into consideration. It is also important do mention that if a State Party does not</p>

	provide legal assistance to a LBP and if the LBP does not have the financial means to hire an attorney in the requested state, a Hague application would not be taken to court. Thus, this situation would characterize evasion of the Convention of 1980. “
<b>Bulgaria</b>	
<b>Canada</b>	<p>Some States have legal remedies/recourses which have the effect of staying Hague applications or putting them aside, pending determination of that remedy/recourse. This often results in negating the effectiveness of the Convention. Canada strongly feels that where such remedies/recourses are invoked, the competent authorities should be required to take all reasonable steps to ensure that the matter is treated expeditiously.</p> <p>In some States, Courts hearing Hague applications engage in lengthy and full analysis of the best interests of the child and of the parenting capabilities of the parents, which is contrary to the Convention. This can lead to non-return decisions that are not justified under the Convention or result in significant delays.</p>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	As Colombian Central Authority we have faced challenges with the Peruvian Central Authority and the Spanish Central Authority. With the Peruvian Central Authority we have experienced issues regarding the location of the abducted children when they are not peruvian. The Peruvian Central Authority states that they can not search for non-peruvian children, this in oposition of the a) of the Article 7 of the 1980 Hague Convention. On the other hand, the Spanish Central Authority rejects the outgoing Hague Access cases that we send.
<b>Costa Rica</b>	Recently there is a case in another country in which the judge decided according to custody. And also, the institution who assumes the legal representation and the presentation of the case at the Court, presented the case one year after. The case is in appeal now.
<b>Cyprus</b>	
<b>Czech Republic</b>	Non-standard forms of communication procedures (e.g. via Whatsapp).
<b>Denmark</b>	
<b>Dominican Republic</b>	<p>There are aspects or failures for the correct application of Resolution 480-08 issued by our Supreme Court of Justice, basically due to time issues for hearing judicial processes and/or criteria used when judging cases contrary to the provisions of the the aforementioned resolution and the 1980 Hague Convention itself, such as:</p> <p>Extremely long deadlines for setting and subsequent knowledge of hearings, in contrast to the call for speed and urgency framed in Article 11 of the 1980 Hague Convention, and the short deadlines established in Resolution 480-08 for the realization of due process.</p> <p>Courts that rule on substantive aspects related to custody and custody, which is contrary to the exhaustive interpretation of article 16 of the same Agreement.</p> <p>Priority to evaluate the stability or living conditions of the minor who is the object of the illegal transfer or retention in our country, ordering the completion of Social Work studies and without taking into account article 12 of the Agreement.</p>

	<p>Courts that order psychological interviews for 3-year-old children, without them presenting an ideal degree of maturity to express their opinion in the case that involves them.</p> <p>Courts that hear Requests for Visits in cases that have as their object the restitution of a minor illegally transferred and retained in our country .</p>
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	Referring to the reply from EU
<b>Finland</b>	
<b>France</b>	<p>Délais de procédure (article 11) : La phase de localisation de l'enfant et du parent ravisseur et l'audition de ce dernier prennent parfois des mois alors que des informations de localisation ont été transmises à l'autorité centrale requise. Les procédures de retour excèdent souvent le délai de 6 semaines et durent plusieurs mois, voire plusieurs années dans certains Etats avec de nombreuses procédures annexes qui viennent retarder ou suspendre la décision sur le retour (plaintes pénales, examen du dossier par des acteurs spécialisés des violences de genre). Certains juges renvoient plusieurs fois l'affaire, ou tiennent leur audience mais ne rendent la décision que plusieurs semaines, voire plusieurs mois plus tard.</p> <p>Application de la convention (exceptions au retour - articles 12 et 13) : Il arrive également que des juridictions saisies de la question du retour le refusent en statuant sur l'exercice de la responsabilité parentale, hors les motifs de refus limités énoncés par la Convention de 1980 (considérations sur le besoin d'un enfant en bas-âge de demeurer auprès de sa mère, des qualités éducatives respectives des parents). Certaines juridictions considèrent le temps écoulé depuis le déplacement comme un motif de non-retour, alors que l'instance a été introduite moins d'un an après le déplacement et qu'une partie au moins du délai est imputable à des lenteurs dans la localisation de l'enfant, l'audition du parent ravisseur ou la procédure judiciaire. Enfin, des considérations politiques ont déjà pu être prises en compte par des juridictions pour justifier le refus d'ordonner le retour d'un enfant</p> <p>Exécution des décisions : Des difficultés ont été constatées pour faire exécuter des décisions de retour, en raison de recours nombreux et parfois dilatoires des parents ravisseurs sommés de ramener l'enfant à son lieu de dernière résidence habituelle. Il existe aussi parfois des législations permettant de remettre en cause au stade de l'exécution la décision judiciaire de retour pourtant définitive et exécutoire.</p>
<b>Georgia</b>	
<b>Germany</b>	With regard to the Art. 13 I b exception there are still countries where the courts in their decisions mix up custody proceedings and Hague return proceedings with their very restrictive exceptions.
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	<p>1) In one case the requested Central Authority, after receiving the request and engaging in some communication (which communication was difficult to obtain and took a significant amount of time), simply stopped communicating and stopped processing the case.</p> <p>This is a State that did not make the reservation to the third paragraph of Article 26 of the Convention and the left-behind parent cannot afford private counsel. The case therefore has not been able to proceed in court.</p> <p>2) Some foreign courts have rejected requests for return of children on the</p>

	<p>basis that the child has settled in his new environment, in cases where the proceedings were initiated within a year from the date of alleged wrongful removal/retention.</p> <p>3) Courts in some Contracting States consider citizenship of the taking parent as a determinative factor, ruling that they cannot extradite" a citizen of their own States.</p> <p>4) In some states, constitutional challenges can be made in constitutional courts with respect to the Hague Convention proceedings at any stage of the proceedings (including during the proceedings and after a judgment has issued), and with no limit to the number of challenges that can be filed. This results in extreme delays in the Hague Convention proceedings. In one case, the proceedings were delayed to the point that one of the children eventually turned 16, such that the Convention ceased to apply to her. It appears that the constitutional courts have no mandate to handle such cases expeditiously, thus preventing the courts hearing the Hague Convention cases from conducting expeditious proceedings.</p> <p>5) Courts in some states approach child abduction cases as custody cases, taking into consideration factors such as parental capability, which parent can offer a better home for the child, etc. This is also seen in expert reports, where the expert engaged in a full analysis of the child's overall and long-term best interests, rather than focusing on particular defences under the Convention</p> <p>6) Reversal of onus under Article 13(b), wherein the taking parent makes very general claims or no claims at all but the taking parent is then required to prove that there is no risk. "</p>
Italy	The central authority of a request EU member State has recently refused, under art.27 of the Convention, to process a return application on the grounds of an alleged and not demonstrated domestic violence, which assessment should be carried out by the Authority competent to decide on the request.
Jamaica	
Japan	
Latvia	
Lithuania	
Montenegro	
New Zealand	
Panama	
Peru	In the Lima court, the 16th Family Court, which is competent to hear international return claims, processed the Malapi de Oyague case, Case N° 8933-2015-0-1801-JR-FC-16, which concluded with a well-founded judgment, and the child had to return to her country of origin, However, in its execution, the defendant filed a series of Amparo actions, and in one of them, Case N° 3292-2018-0-1801-JR-CI-11, the Constitutional Court issued a precautionary measure ordering the suspension of the execution of the process, and as a result, the restitution of the minor to the plaintiff was not complied with, having exceeded 17 years of age to date.
Poland	n/a
Portugal	The deadline of 6 weeks is not complied in some States
Singapore	
Slovakia	



<b>South Africa</b>	Apart from certain relevant information above, some Central Authorities do not convey at the outset that should they not receive information by a certain time then they will close their files and they proceed to do so. Securing information from the applicant may be a time consuming exercise especially in instances where the applicant is not legally represented. There may not be common understanding of Article 7.
<b>Spain</b>	Return denied under article 12 when less than a year has passed.
<b>Switzerland</b>	Il y a des États dans lesquels la législation de mise en œuvre de la Convention n'a pas encore été adoptée, de ce fait, la procédure de retour ne peut pas être introduite et les requérants doivent introduire une procédure au fond. En outre, dans certains États il arrive qu'une requête en vue du retour soit traitée entièrement sous le droit national de l'État requis, comme une procédure au fond.
<b>Türkiye</b>	
<b>Ukraine</b>	Please, refer to answer on Question 5. We consider that refusal to proceed with the return application when the situation exactly falls under the Convention must be considered as avoidance or improper application of the 1980 Convention.
<b>United Kingdom (England and Wales)</b>	ICACU There remains a concern that some States Parties place too great an emphasis on welfare principles when determining a return application, rather than focusing on the purposes of the Convention and the question of summary return.  There is an issue with enforcement of return orders in some States Parties. This can make it difficult to manage the applicant's expectation as the applicant has had a successful court outcome but the child/children remain at large.
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	See response to Question 5.
<b>Uruguay</b>	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..
<b>Venezuela</b>	Caso tramitados por países como Perú, Colombia, Ecuador, Chile y España, alegando reiterativamente, durante los últimos 5 años, la excepción establecida en el 13,b), alegando como situación de grave riesgo, razones económicas, social y política. Aunque la situación ha cambiado positivamente en países como Colombia, Chile, Ecuador y España, todavía existe una marcada inclinación a denegar las solicitudes de restitución remitidas por Venezuela como país requirente.

## 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)<sup>4</sup> in order to identify possible sources of delay and implement the adjustments needed to

<sup>4</sup> 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,

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

Argentina, Belgium, Brazil, Bulgaria, China (Hong Kong SAR), China (Macao SAR), Colombia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Georgia, Germany, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, Montenegro, New Zealand, Panama, Peru, Poland, Singapore, Slovakia, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), Uruguay

##### Yes

Australia, Canada, Chile, Costa Rica, Estonia, France, Portugal, Venezuela

##### Procedure not yet revised

Honduras, South Africa

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

Argentina	
Australia	<p>In some instances, delay is still encountered where applications received by the ACA do not contain sufficient evidence to satisfy the requirements of the Hague Convention. In those cases, the ACA has procedures to ensure that any missing information is sought quickly from the requesting jurisdiction. There continue to be many cases where it takes applicants months to provide additional information required by the ACA or the Australian court. This can significantly delay the filing of applications in an Australian court.</p> <p>For outgoing matters (applications from Australia to an overseas Central Authority) the ACA encourages applicants to seek assistance from International Social Services Australia (ISS Australia) to prepare their application. ISS Australia is a funded non government organisation, that receives funding from the Australian Government to provide legal advice, prepare outgoing Hague applications and provide social support services to people affected by international parental child abduction. The involvement of ISS Australia ensures that applications are prepared by lawyers experienced with Convention applications. This minimises the potential for delays to be caused by insufficient evidence.</p>
Belgium	
Brazil	
Bulgaria	
Canada	<p>Canadian CAs are conscious of the need to act expeditiously under the Convention and have not identified any significant sources of delay at their level. Delays may occur, however, if applications for return are incomplete or if information on the whereabouts of the child is difficult to obtain.</p> <p>Proactive “flagging” of Hague cases by CAs to Court registries, Associate</p>

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.”

	Chief Justices and/or the liaison judges for their jurisdiction has become the norm and is useful for triggering the Court process and ensuring that the case is scheduled quickly. CAs do this by promptly filing art. 16 notices and, in some jurisdictions, writing to the Associate Chief Justice or the liaison judge to make them aware of any new Hague case.
Chile	Distribution of cases among specific case workers. Before 2017, cases were handled by the team at large, with no one case worker being responsible for each case. This delayed the processing of cases, as each task had to be specifically assigned to a worker. Incoming cases are now assigned as soon as they arrive at the office, which ensures much faster proceedings.
China (Hong Kong SAR)	
China (Macao SAR)	
Colombia	
Costa Rica	We did a Protocol For Abduction/Access Cases.
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	
Estonia	
Finland	
France	<p>L'autorité centrale française identifie les sources de retard suivantes :</p> <ul style="list-style-type: none"> <li>- demande d'investigations ou de pièces complémentaires,</li> <li>- réception tardive des documents demandés,</li> <li>- absence de traduction,</li> <li>- délais de communication longs avec l'autre autorité centrale.</li> </ul> <p>Afin de remédier à ces retards, l'autorité centrale française accuse réception rapidement de la demande de retour comme l'y oblige par ailleurs l'article 23.2 du règlement (UE) 2019/1111 dit « Bruxelles II-ter » (délai de cinq jours ouvrables à compter de la date de réception de la demande). Elle précise d'emblée au requérant les éléments manquants et l'invite systématiquement à les lui adresser par e-mail pour davantage de célérité.</p> <p>Dans ses rapports avec ses homologues, l'Autorité Centrale française privilégie également la dématérialisation des échanges et n'exige pas la communication des documents originaux.</p>
Georgia	
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	
Montenegro	

<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	The applicant´s have some difficulties obtaining the necessary translations (documents translations). The PCA have raise awareness among the applicant´s for the necessity of these translations.
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	
<b>Spain</b>	
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	<p>There are several ways in which the U.S. Central Authority for the 1980 Convention (USCA) endeavors to encourage expeditious resolutions of cases. First, the USCA has established policies and practices that require USCA staff to complete tasks within a specified timeframe. These policies and practices promote consistent and expeditious handling of cases. Second, the International Child Abduction Remedies Act (ICARA), the implementing legislation for the Convention in the United States, includes authorization for law enforcement to share location information with the USCA, and for the USCA to use a U.S. federal database to assist in the location of children. Finally, the USCA generally sends a letter to judges hearing Convention cases in the United States reminding them that, among other features, the Convention requires prompt decisions. The letter also includes information about the International Hague Network of Judges, and instructions on how a judge may contact a U.S. Hague Network Judge.</p> <p>The USCA also continually reviews and adjusts its internal processing guidelines and resources as necessary to ensure applications are processed as quickly as possible.</p> <p>Finally, unless stayed, court orders are generally immediately enforceable. Please also see our answer to question 18 about amicable resolutions.</p>
<b>Uruguay</b>	
<b>Venezuela</b>	En la vía administrativa, a nivel de la AC, se reciben y envían las restituciones por correo electrónico, aunque posteriormente se remitan los documentos en físico a la autoridad judicial cuando se trata de Venezuela como país requerido. Sin embargo, queda como tarea pendiente por parte de la ACV, la conformación de un equipo multidisciplinario y otro especializado sobre la mediación familiar como mecanismos de solución de conflictos, donde se promueva los acuerdos voluntarios entre las partes, a fin de reducir el lapso establecido en el convenio.

No

Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Finland, Georgia, Germany, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, Montenegro, New Zealand, Panama, Portugal, Singapore, Switzerland, Türkiye, Uruguay

Yes

Argentina, Australia, Belgium, Brazil, Canada, Colombia, Costa Rica, Dominican Republic, Estonia, France, Peru, Poland, South Africa, Spain, United Kingdom (England and Wales), United Kingdom (Scotland), Venezuela

Procedure not yet revised

Honduras, Ukraine

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

<b>Argentina</b>	<p>Even though, the competent judicial authorities should follow the most expeditious procedural rules of each jurisdiction, there are delays in the resolution of the case.</p> <p>In this regard, would be interesting to verify and confirm the scope of the Central Authority regarding the availability to proceed with notification, and identified the scope and means to obtain the proof during the procedure.</p>
<b>Australia</b>	<p>As noted under question 4 above, Child Abduction Convention proceedings are becoming more lengthy and costly, with frequent appeals, both to the Full Court of the Federal Circuit and Family Court and the High Court. Matters are rarely disposed of within the 42 days envisaged by the Regulations and the Conventions. In <i>Barnett v Secretary DCJ</i> [2023] HCA 7, the High Court reiterated its position in <i>MW v Director General, DOCS</i> (2008) 82 ALJR 629 that the speedy disposition of applications must be subordinate to the making of proper and reasonable enquiries and the gathering of evidence." All return applications filed in the Federal Circuit and Family Court are triaged, safeguarding orders made and then allocated for final hearing by one of Australia's Hague Network judges who are ideally placed to monitor any delays. "</p>
<b>Belgium</b>	<p>Le délai de 6 semaines par instance est maintenant indiqué dans le Code judiciaire.</p>
<b>Brazil</b>	<p>Brazilian legislation does not contemplate a faster procedure that could be applied in proceedings involving the application of the 1980 Convention. Furthermore, there is the possibility of the same process being submitted to four instances of the Brazilian Judiciary - Federal Judge, Federal Regional Court, Superior Court of Justice and Supreme Federal Court. The specialization of judges and courts has been adopted in Brazil and there are already signs of progress on the issue of the length of proceedings.</p>
<b>Bulgaria</b>	
<b>Canada</b>	<p>The Supreme Court of Canada (SCC), in the case <i>Balev</i> (2018 SCC 16, <a href="https://canlii.ca/t/hrlfk">https://canlii.ca/t/hrlfk</a>), insisted that 1980 Convention cases cannot tolerate judicial delays. It indicated in its decision that it had taken steps to ensure that 1980 Convention cases are flagged internally and expedited by its registry. The SCC also invited other Canadian courts to consider what further steps can be taken to ensure that 1980 Convention proceedings are determined using the most expeditious procedures available. The SCC noted that judges seized of 1980 Convention applications should not</p>

	<p>hesitate to use their authority to expedite proceedings in the interest of the children involved and that Convention proceedings should be judge-led and not party-driven (at para. 89).</p> <p>In Leigh v. Rubio, 2022 ONCA 582 (<a href="https://canlii.ca/t/jrf23">https://canlii.ca/t/jrf23</a>), the Court of Appeal for Ontario also insisted on the importance of using case management tools to deal with Conventions applications quickly and ensure that the scope of the hearing remains focused on the issues in dispute.</p> <p>In two cases, the Courts of appeal of Ontario and Alberta have declined to stay return orders pending appeals, notably in order to minimize judicial delays. (CCO v. JJV, 2019 ABCA 292, Dieffenbacher v. Dieffenbacher IV, 2023 ONCA 189).</p> <p>In Alberta, a new practice note was implemented in the summer of 2022 to expedite the process. Following the receipt of an Article 16 notice and application for return, the Courts in Alberta will promptly schedule a case management meeting in an attempt to narrow issues and set the matter for hearing. (<a href="https://www.albertacourts.ca/docs/default-source/qb/revised-family-practice-note-6.pdf?sfvrsn=d1748883_12">https://www.albertacourts.ca/docs/default-source/qb/revised-family-practice-note-6.pdf?sfvrsn=d1748883_12</a>).</p> <p>In Ontario, the Family Law Rules, O. Reg. 114/99 (<a href="https://www.ontario.ca/laws/regulation/990114">https://www.ontario.ca/laws/regulation/990114</a>) were amended in 2022 to expedite international child abduction proceedings (see response to question 1).</p>
Chile	
China (Hong Kong SAR)	
China (Macao SAR)	
Colombia	As Central Authority we have provided technical assistance to Judges, we created a virtual course and we invited the Colombian Family Courts to take the course so they can know the proper compliance of the 1980 Hague Convention and the good practices that they must follow.
Costa Rica	Circular 11-2019 del Superior Council of the Supreme Court
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	Please note the answer to question 6.
Ecuador	
El Salvador	
Estonia	
Finland	
France	<p>En première instance, la localisation de l'enfant déplacé ou retenu sur le territoire français, ainsi que l'inexpérience des services de police en matière civile et la difficulté de prioriser les dossiers d'enlèvement internationaux d'enfants eu égard à la nature pénale des autres dossiers confiés aux services d'enquête avec lesquels ils sont en concurrence, sont susceptibles de générer des retards dans le traitement des procédures (voir aussi la question 17).</p> <p>Plus généralement, l'engorgement des juridictions peut également constituer une source de retard importante, notamment en appel. Par ailleurs, les dispositions de l'article 911-2 du code de procédure civile ont pour effet d'augmenter de deux mois les délais pour remettre les</p>



	<p>conclusions dès lors qu'une partie réside à l'étranger, ce qui retarde immanquablement la procédure en appel.</p> <p>Afin de remédier à ces retards, certains parquets ont choisi de confier aux magistrats du ministère public certaines opérations traditionnellement dévolues aux services de police telles que la remise des convocations, les auditions, et la récupération de justificatifs en vue des audiences. Dans l'hypothèse d'un appel, les délais d'audiencement sont parfois réduits au minimum. Les décisions ordonnant le retour étant par principe et de droit revêtues de l'exécution provisoire sauf motivation contraire de la juridiction (article 481-1 6° du code de procédure civile), le ministère public décide régulièrement de ne pas attendre l'issue de la procédure d'appel pour mettre en œuvre leur exécution forcée. Dès lors qu'un appel est interjeté à l'encontre d'une décision ordonnant le retour, le ministère public demande rapidement la communication du dossier, afin de réaliser l'argumentation en appel le plus rapidement possible et veille à agir en étroite relation avec l'autorité centrale (y compris en cas d'incident ou de procédure de référé).</p>
Georgia	
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	
Montenegro	
New Zealand	
Panama	
Peru	<p>In the Superior Court of Justice of Lima, the Family Chambers have established as a good practice, in the procedural act of receiving the files submitted on appeal, to send the files to the Public Prosecutor's Office for the Public Prosecutor's Opinion, and also to set a date for the hearing of the case. This implicitly sets a deadline for the Public Prosecutor's Office to issue its opinion before the date of the hearing of the case, thus avoiding delaying the process.</p> <p>In compliance with the Hague Convention, the Peruvian Liaison Judge is taking steps to present the Executive Council of the Judiciary with proposals for compliance with the Convention, with a view to improving the system of administration of justice in international child abduction proceedings, and has therefore requested that three urgent measures be taken:</p> <p>1.-Que cada Corte Superior de Justicia del País cuente con un solo Juez Especializado que conozca de estos procesos. Que al respecto es de señalar, que mediante Resolución Administrativa N° 032-2003-CE-PJ, de fecha 04 de abril del 2003 el consejo Ejecutivo del Poder Judicial dispuso que los Presidentes de las Cortes Superiores de Justicia dentro del ámbito de su competencia, designen los Juzgados de Familia, Civil o Mixto que deberán tener a su cargo las acciones que se presenten al amparo de la convención sobre Aspectos Civiles de la Sustracción de Menores. En</p>

	<p>merito a dicho mandato, el presidente de la Corte Superior de Justicia de Lima, mediante Resolución Administrativa N° 182-2003-P-CSJL/PJ designó al 16° Juzgado de Familia como órgano competente para conocer dichas demandas, siendo que en otras Cortes de Lima, al parecer, no se dio cumplimiento a dicho mandato. Por lo que se ha solicitado mediante Oficio de fecha 19 de mayo del 2022, que el Consejo Ejecutivo del Poder Judicial disponga el cumplimiento de la citada Resolución Administrativa, con la finalidad de que se logre que cada Corte Superior de Justicia cuente con un solo Juez que conozca dichos procesos. Ello facilitara la capacitación permanente que se realice respecto a dicha materia. Por ejemplo, en la practica muchos magistrados confunden el proceso de sustracción internacional con los procesos de tenencia y custodia, siendo una de las causas de la dilación innecesaria de dichos procesos. También facilitará la coordinación de la Magistrada de enlace de dicho Convenio y ésta con los Magistrados de Enlace de los países signatarios del mismo.</p> <p>2.Ongoing training for lawyers who defend in this area, including lawyers from the Central Authority of the Ministry of Women and Vulnerable Populations. Through free academic events in order to inform them of the scope of the aforementioned Convention, for example with regard to the difference with custody proceedings, as well as training with regard to the measures they can take to return a child if there are well-founded and accredited reasons for a wrongful removal or retention of a child in accordance with the terms of the Convention, such as in the case of requests for precautionary measures and early enforcement of judgments, procedural acts that do not require the decision issued to be consented to for its due execution. However, it achieves the aim of returning the child to his or her habitual residence without further delay and complies with the Convention.</p> <p>3.That an administrative resolution be issued to ensure that the High and Supreme Courts, in the procedural act of sending the case files to the Public Prosecutor's Office for the prosecutor's report, in this type of proceedings, also set a date for the hearing of the case. This will prevent files from being sent to the Public Prosecutor's Office without a return date, which would also cause unnecessary delay. Co-ordination with the Central Authority, in order to send the cases that the Lima Court has, for example, in order to be aware of the pending cases in each process, be it in the processing and/or execution. Likewise, a legal specialist should be appointed to deal with the processing of these international restitution processes, so that he/she can deal with the cases and avoid procedural delays, identifying the files in a single colour.</p>
<b>Poland</b>	See Part 1 point 4.
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	<p>-Identified sources of delay, judicial proceedings:</p> <p>1 RSA does not have a unified family court system to deal with Hague Convention (Child Abduction) applications.</p> <p>2 Judges President allocate Hague Convention matters to all judges and not specifically to designated Hague Network Judges who have received training on Hague Convention and without any case management monitoring mechanism in place.</p> <p>-Measures implemented to address the delays:</p>

	<p>(a) Gauteng Division of the High court has established a Family court which is manned by specialist judges who are Network judges with vast experience in Family law and Hague Convention on Child Abduction.</p> <p>(b) The Judge President of the Gauteng Division of the High court developed a Practice Directive which sets out the procedure including pre-trial hearing to declare the case trial ready and manage the cases and mediation under Practice Directive 41A.</p> <p>(c) Kwazulu Natal and Western Cape Divisions of the High court have Practice Directives not formalised.</p> <p>3. SCA judgment since 2017:</p> <p>3.1. LD v Central Authority (RSA) and Another [2022] ZASCA 6; [2022] 1 All SA 658 (SCA); 2022 (3) SA 96 (SCA)</p> <p>3.2. L v Ad Hoc Central Authority for the Republic of South Africa and Others [2021] ZASCA 107</p> <p>3.3. Koch N O and Another v Ad hoc Central Authority for the Republic of South Africa and Another [2022] ZASCA 60; [2022] 3 All SA 17 (SCA); 2022 (6) SA 323 (SCA)</p>
<b>Spain</b>	<p>The new 2015 Spanish domestic legislation applicable to international child abduction cases has been designed to exponentially increase the speed with which these proceedings are handled. In fact, the Spanish domestic process is now more streamlined and the average case resolution time is decreasing. In the period from 1 August 2015 to 21 January 2016 (when the new rule was in force), the Ministry of Justice referred 26 cases to the State Attorney's Office to file the corresponding legal action and 11 judicial decisions were issued, none of which exceeded two months from the date the documentation was sent to the State Attorney's Office (which is not the date on which the action was filed). However, in the same period of time in the previous year (under the previous rule), the Spanish central authority referred 36 cases to the State Attorney's Office to file the corresponding lawsuit and 23 judicial decisions were issued, although an analysis of the timeframes shows that the average time from the referral of the file to the State Attorney's Office until the ruling is issued is more than two months, and there are even cases in which the ruling has taken seven and eight months to be issued. The legislative developments of 2015 have meant a clear commitment by Spain to speed in the first and second instance, to the concentration of jurisdiction and to mediation. For intra-EU abductions the new Brussels lib has implemented a new legal system with broader terms and we will see how it operates in the near future.</p>
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	<p>Judiciary</p> <p>No reliable data, so difficult to identify accurately the sources of delay in judicial proceedings. Anecdotal, shortages of judicial resources and significantly increased workload in other areas of family law continue to impact the extent to which able to comply with the 1980 Hague timescale. Practitioners agree the difficulty is shortage of court time and resources.</p>
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	<p>Judiciary Article 11 six week timescale is not always complied with, but the procedure allows for such compliance. Delays sometimes instigated by parties.</p>
<b>United States of America</b>	Please see response to question 8 and the first part of question 7.
<b>Uruguay</b>	

<b>Venezuela</b>	La aplicación de un procedimiento único con lapsos reducidos en las etapas del proceso de restitución internacional, que fue establecido mediante resolución por el Tribunal Supremo de Justicia.
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## Enforcement

### No

Australia, Brazil, Chile, China (Hong Kong SAR), China (Macao SAR), Costa Rica, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Finland, Georgia, Germany, Israel, Italy, Jamaica, Montenegro, New Zealand, Panama, Singapore, Switzerland, Türkiye, United Kingdom (England and Wales), United Kingdom (Scotland), Uruguay

### Yes

Argentina, Belgium, Canada, Dominican Republic, Estonia, France, Japan, Latvia, Peru, Portugal, Spain, United Kingdom (Northern Ireland), Venezuela

### Procedure not yet revised

Colombia, Honduras, Lithuania, South Africa, Poland, Ukraine

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

<b>Argentina</b>	If the answer to the above is YES, please share any measures that have been implemented to address the delays:  Coordinating safe returns among the competent authorities who intervene in the case can cause delays, particularly due to the fact that in many occasions, the courts do not issue resolutions in this regard.
<b>Australia</b>	Australia has a successful enforcement regime in place. With appropriate mechanical orders included in return orders, it is unusual for the ACA to have to return to court to seek enforcement of a return order. We are seeing many respondents intentionally seeking to delay their compliance with return orders. We respond to these situations by proactively seeking very specific orders outlining the mechanics of the child's return in cases where it becomes apparent that a respondent may not comply with a standard return order.  A number of significant practical issues with enforcement of returns that arose during the pandemic have now resolved due to the opening of international borders and the end of mandatory hotel quarantine.
<b>Belgium</b>	Afin de faciliter l'exécution, le code judiciaire prévoit maintenant d'inviter les parties à débattre elles-même des modalités d'exécution (voir article 1322undecies du code judiciaire).
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	This is not new, but in general, to avoid delays at the enforcement level, Courts include specific provisions and short timelines for actual return of the child as part of the return order. Courts can also include police enforcement clauses to assist with achieving compliance.
<b>Chile</b>	

China (Hong Kong SAR)	
China (Macao SAR)	
Colombia	
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	On occasions, the representation of the Public Prosecutor's Office specialized in dealing with matters of minors does not act with the speed indicated in articles 2 and 11 of the 1980 Hague Convention.
Ecuador	
El Salvador	
Estonia	
Finland	
France	Une fois la décision rendue, l'autorité centrale française identifie plusieurs sources de retard telles que le manque de coopération des parents, la difficulté à organiser les modalités pratiques du retour (absence de passeport ou de visa, etc.) ou la dissimulation de l'enfant par le parent l'ayant déplacé. Afin de remédier à ces difficultés, l'autorité centrale française favorise l'échange de bonnes pratiques entre les parquets spécialisés chargés d'exécuter les décisions et n'hésite pas à mettre directement en relation les magistrats à cette fin. Elle est par ailleurs en relation directe et constante avec les services consulaires du ministère de l'Europe et des affaires étrangères pour régler toutes les questions liées à l'obtention des documents de voyage. En cas de dissimulation de l'enfant, l'autorité centrale française peut également se mettre en lien avec les autorités judiciaires pénales afin d'alerter sur la situation et de favoriser la localisation de la famille (notamment en suggérant l'inscription de l'enfant au fichier des personnes recherchées - FPR - et l'édition d'une notice jaune Interpol avec diffusion au système d'information Schengen – SIS).
Georgia	
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	The 2019 amendment of the Civil Execution Act stipulates that under certain requirements, for petitioning for execution by substitute of orders to return children, compulsory execution may be enforced without performing an indirect compulsory execution. (also see response to Q1).
Latvia	In two cases there have been delays with the enforcement as the Respondent failed to cooperate despite all available judicial means. Nonetheless, the matter was eventually resolved following the return of the Respondent herself/himself with the child.
Lithuania	
Montenegro	
New Zealand	
Panama	
Peru	The enforcement of court judgments is initiated at the request of the party, the central authority assists the plaintiff in the applications for

	enforcement of such judgments, and will depend on the willingness of the abducting parent to comply with the court decision, in case of non-compliance, at the request of the party, the judge makes the requirements for compliance, including coercive measures.
<b>Poland</b>	n/a
<b>Portugal</b>	Improved cooperation with the Portuguese Social Services in the execution of return orders/handover of children
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	
<b>Spain</b>	The Spanish reform of 2015 has improved enforcement in child abduction cases (Articles 778 quinquies 9, 10 and 13 LEC) and for its effectiveness it enhances the role of the central authority which now provides the necessary assistance to the court to ensure that it is carried out safely, adopting in each case the necessary administrative measures. In the event that the parent who has been sentenced to return the child or to return the child opposes, impedes or obstructs compliance, the judge must adopt the necessary measures for the immediate enforcement of the sentence (Article 778 quinquies 9, 10 and 13 LEC).
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	
<b>United Kingdom (Northern Ireland)</b>	A case with Japan, Return order was granted but required enforcement. Applicant was unable to afford the costs and return could not be enforced.
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	Please see response to the first part of question 7.
<b>Uruguay</b>	
<b>Venezuela</b>	Paulatinamente, en los años de vigencia del Convenio de 1980, las autoridades judiciales venezolanas han adoptado e implementado una serie de medidas y normas procedimentales. En primer término, por la vía jurisprudencial, y luego en el año 2017, con la creación de un cuerpo normativo sobre el procedimiento de restitución, cuyo objetivo es optimizar la aplicación del Convenio de 1980, acortando lapsos que permitan llegar a decisiones lo más pronto posible, tratando de ajustarse al tiempo establecido en dicho convenio. En este sentido, se han adoptado mecanismos formativos, a todos los operadores de justicia y demás instancias involucradas, con el objeto de promover activamente la participación de éstos, en eventos internacionales sobre la materia. Igualmente, se ha hecho énfasis a la formación de los jueces especializados en la materia de Protección de NNA y designación de Jueces de Enlace ante La Haya con amplios conocimientos sobre la materia de sustracción, con el fin aplicar correctamente el Convenio. De modo que, el proceso formativo interinstitucional ha sido constante. Posteriormente, se aprobó la Resolución Judicial 2017-0019, en la cual el Tribunal Supremo de Justicia estableció un único procedimiento a seguir para la aplicación del Convenio de La Haya del 25 de octubre de 1980 en todos los Circuito Judiciales de Protección de Niños, Niñas y Adolescentes a nivel Nacional, para ajustar el proceso a las seis (6) semanas establecidas en el Convenio de 1980 como tiempo límite para tomar la decisión sobre el retorno o no, siempre y cuando no haya demoras por



ubicación del NNA y no se ejerzan los recursos extraordinarios previstos en la ley interna.

## Mediation / ADR

### No

Argentina, Brazil, Chile, China (Hong Kong SAR), Denmark, Ecuador, El Salvador, Finland, France, Georgia, Germany, Italy, Jamaica, Latvia, Lithuania, Montenegro, New Zealand, Panama, Peru, Poland, Portugal, Singapore, Slovakia, Switzerland, United Kingdom (Scotland), Uruguay

### Yes

Australia, Belgium, Costa Rica, Czech Republic, Estonia, Spain, United Kingdom (Northern Ireland), Venezuela

### Procedure not yet revised

Canada, China (Macao SAR), Colombia, Cyprus, Dominican Republic, Honduras, Israel, South Africa, Ukraine

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

<b>Argentina</b>	We don't have records on this topic
<b>Australia</b>	<p>Effective methods already in place continue to be used.</p> <p>In early 2023, the Federal Circuit and Family Court of Australia introduced a new procedure involving convening a Court based Family Dispute Resolution (FDR) Conference with a Registrar of the Court's Dispute Resolution Service and a child court expert in all 1980 Convention matters. This is an alternative dispute resolution (ADR) process that takes place in 3 parts, usually over one week very close to the final hearing and is free of cost to the user. It is run by two family law mediators (one lawyer and one social scientist) with training and experience in specialised Hague mediations, and attempts to resolve or narrow the issues in both the Convention matter and substantive parenting issues. It is designed to supplement and replicate the successful Hague mediation model developed by Victoria Legal Aid but which is not available in all Hague return proceedings. It is unclear whether, or how, this new procedure may impact on the time taken to resolve Convention matters. The new procedure is likely to allow some parents to resolve the Hague matter but even where it doesn't it has the potential to benefit the family by ensuring that consideration is given to preparing both the parents and the child(ren) for both judicial outcomes of the matter (return or non return).</p>
<b>Belgium</b>	<p>Pour la tentative de règlement amiable, le code judiciaire prévoit un temps limite. L'article 1322nonies du Code judiciaire dispose:</p> <p>Dès qu'une demande visée à l'article 1322bis, 2° (demande en applicaiton de la CLH de 1980 sur les aspects civils de l'enlèvement international d'enfant) est introduite, le greffier informe les parties de la possibilité de médiation, de conciliation et de tout autre mode de résolution amiable des conflits en leur envoyant immédiatement le texte</p>

	<p>des articles 1730 à 1737 accompagné d'une brochure d'information concernant la médiation, rédigée par le ministre qui a la justice dans ses attributions, la liste des médiateurs agréés spécialisés en matière familiale établis dans l'arrondissement judiciaire, ainsi que les renseignements concernant les séances d'information, permanences ou autres initiatives organisées dans l'arrondissement judiciaire afin de promouvoir la résolution amiable des conflits.</p> <p>§ 2. Les parties sont invitées à comparaitre en personne à l'audience d'introduction, ainsi qu'aux audiences de plaidoiries.</p> <p>Si les deux parties comparaissent en personne à l'audience d'introduction, le juge les entend sur la manière dont elles ont tenté de résoudre le litige à l'amiable avant l'introduction de la cause et détermine si une résolution à l'amiable est envisageable, sauf si cela est contraire à l'intérêt supérieur de l'enfant, si ce n'est pas approprié en l'espèce ou si cela retarderait indûment la procédure.</p> <p>Toutefois, s'il existe des indices sérieux que des violences, des menaces ou toute autre forme de pression sont ou ont été exercées par une partie à l'encontre de l'autre partie, l'article 1734, § 1er, alinéa 3, s'applique par analogie.</p> <p>§ 3. Sans préjudice du paragraphe 2, alinéa 3, s'il constate qu'un rapprochement est possible, le juge peut remettre la cause à une date fixe, qui ne peut excéder quinze jours sauf accord des parties, afin de leur permettre de présenter un accord. A la demande des parties ou s'il l'estime utile, le juge peut également renvoyer l'affaire devant la chambre de règlement à l'amiable en veillant au respect des délais visés à l'article 1322nonies/4.</p> <p>§ 4. Si les parties n'ont pas comparu en personne ou si elles ne sont pas parvenues à un accord à bref délai, le tribunal de la famille les entend sur leur litige.</p>
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	There is a request for a Pilot Project for the implementation of mediation for the Application of International Child Abduction Conventions. This project was sent from Argentina to apply in Costa Rica. This was sent by the liaison judge for analysis to the Magistrate who directs the Restorative Justice Commission.
<b>Cyprus</b>	
<b>Czech Republic</b>	Until 2020 the Central Authority offered and provided mediation to the parties. Due to the number of cases, the agenda was transferred to an NGO and the Central Authority now only recommends the cooperation with this NGO.
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	

El Salvador	
Estonia	Referring to Q1
Finland	
France	Il n'existe pas de procédure de médiation systématique ou institutionnalisée en matière de déplacement illicite d'enfant. L'autorité centrale française développe et tient à jour une liste de médiateurs familiaux en matière internationale, portée à la connaissance des parties et des acteurs intervenants (avocats, procureur de la République) à l'ouverture du dossier. La possibilité de recourir à la médiation à tout stade de la procédure, et notamment dans le cadre de l'exécution, est rappelée par l'Autorité centrale française.
Georgia	
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	No for mediation, Yes for ADR. Due to the large number of parties and participants, and also due to the fact that the parties are located in remote locations with time differences, ADR institutions had trouble scheduling dates, resulting in delays. Hence the following improvements have been made on this point: (1) If there is trouble scheduling a date, it is recommended for the first meetings to be held separately for each party on different dates. (2) Each ADR institution is required to establish a system for prompt confirmation of emails from the parties without fail.
Latvia	
Lithuania	
Montenegro	
New Zealand	
Panama	
Peru	
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	
Spain	In terms of mediation, the 2015 reform opts decisively for its enhancement (Article 778 quinquies 12 LEC), starting from a calculated ambiguity in the wording, admitting it at any time, if possible, and favouring a concentration and absence of delay with a limit to the legally established time limit, without placing prior limits on the object of the mediation or on the subsequent hypothetical execution of the mediated agreement, even across borders. In fact, the new Article 25 of the Brussels IIb Regulation is very similar to Article 778-quinquies.12 LEC in Spain.
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	

<b>United Kingdom (Northern Ireland)</b>	The issue is funding of mediation
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	Please see response to question 18 for information on mediation and amicable resolutions.
<b>Uruguay</b>	
<b>Venezuela</b>	En la resolución señalada en el punto anterior, se estableció una única audiencia de mediación, ello, con el objeto de no dilatar el proceso, realizándose la referida audiencia por cualquier medio electrónico.

### 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

Brazil, China (Macao SAR), Colombia, Denmark, Ecuador, Honduras, Montenegro, Peru, Ukraine

Yes

Argentina, Australia Bulgaria, Canada, Chile, China (Hong Kong SAR), Costa Rica, Czech Republic, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Iceland, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, New Zealand, Panama, Poland, Portugal, Singapore, South Africa, Spain, Switzerland, Türkiye, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela

Please specify:

<b>Argentina</b>	<p>It depends on the procedural law of each jurisdiction in Argentina. The country is organized into a federal system which means that each Province enacts its own constitution, by which it must provide for its own administration of justice.</p> <p>In Cordoba, for example, the procedural law includes concentration of jurisdiction, production of summary evidence, limitation of appeals and swift enforcement. Also the aforementioned Protocol contains recommendations in this sense.</p>
<b>Australia</b>	<p>Australian domestic laws incorporating the Hague Convention provide for expedited determination, and makes provisions for reasons to be sought where an application has not been determined within 42 days subregulations 15(2) and 15(4) of the Family Law (Child Abduction) Regulations 1986 As noted under question 4, Child Abduction Convention proceedings are becoming more lengthy and costly, with frequent appeals, both to the Full Court of the Federal Circuit and Family Court and the High Court. Matters are rarely disposed of within the 42 days envisaged by the Regulations and the Conventions. In <i>Barnett v Secretary DCJ</i> [2023] HCA 7, the High Court reiterated its position in <i>MW v Director General, DOCS</i> (2008) 82 ALJR 629 that the speedy disposition of applications must be subordinate to the making of proper and reasonable enquiries and the gathering of evidence.” It is not unusual for cases to take more than 6 weeks to be resolved. “</p>
<b>Belgium</b>	Voir délais de citation et de comparution dans 1322quater et 1322septies du Code judiciaire

<b>Brazil</b>	
<b>Bulgaria</b>	we have centralization of the Court and only two instance Court procedure
<b>Canada</b>	<p>Jurisdictions in Canada have mechanisms to expedite the treatment of return applications, even though cases are often resolved in more than the 6-week period. While such mechanisms may vary from one jurisdiction to another, they include the following:</p> <ul style="list-style-type: none"> <li>- the development by courts of “protocols”, rules of court, bench books and practice directives,</li> <li>- judicial training and education,</li> <li>- trial coordinators prioritizing hearings on return applications (trial and appeals level),</li> <li>- the use of judicial case management,</li> <li>- the use of affidavit evidence in some jurisdictions,</li> <li>- the use of electronic evidence in some jurisdictions,</li> <li>- including specific provisions and short timelines for actual return of the child as part of the return order.?</li> </ul> <p>Some relevant links:</p> <ul style="list-style-type: none"> <li>- BRITISH COLUMBIA : Practice Direction Return Applications under the 1980 Hague Convention on the Civil Aspects of International Child Abduction – Procedural Requirements:  <a href="https://www.bccourts.ca/supreme_court/practice_and_procedure/practice_directions/family/FPD-16_Return_Applications_pursuant_to_1980_Hague_Protocol_Procedural_Requirements.pdf">https://www.bccourts.ca/supreme_court/practice_and_procedure/practice_directions/family/FPD-16_Return_Applications_pursuant_to_1980_Hague_Protocol_Procedural_Requirements.pdf</a>,</li> <li>- MANITOBA: Procedural Protocol for the Handling of Return Applications under the 1980 Hague Convention on the Civil Aspects of International Child Abduction, Manitoba Court of Queen's Bench (as it then was, now the Court of King's Bench), Family Division:  <a href="https://www.manitobacourts.mb.ca/pdf/procedural_protocol_for_handling_return_applications.pdf">https://www.manitobacourts.mb.ca/pdf/procedural_protocol_for_handling_return_applications.pdf</a>,</li> <li>- ONTARIO: s. 46 Children's Law Reform Act, R.S.O. 1990, c. C.12 (<a href="https://www.ontario.ca/laws/statute/90c12">https://www.ontario.ca/laws/statute/90c12</a>) and s. 37.2 Family Law Rules, O. Reg. 114/99 (<a href="https://www.ontario.ca/laws/regulation/990114">https://www.ontario.ca/laws/regulation/990114</a>),??</li> <li>- QUÉBEC: s. 19 Act respecting the civil aspects of international and interprovincial child abduction, CQLR c A-23.01 : <a href="https://canlii.ca/t/z06">https://canlii.ca/t/z06</a>,</li> </ul>
<b>Chile</b>	The procedure for Hague cases is special (and brief): the entire process takes place in a single hearing, which is designed to be carried out in one day. Appeals are limited to a single appeal.
<b>China (Hong Kong SAR)</b>	Return proceedings are governed by the Rules of the High Court which provide, inter alia, for the exchange of affidavit evidence only and within stipulated time limits. Oral evidence is generally not allowed and if allowed, it is at the discretion of the judge on a case by case basis and in exceptional circumstances. In addition, strict timeframes are set by judges during the course of the proceedings to ensure that the applications are expeditiously dealt with and a decision be reached within the 6-week period and, if not practicable, within the shortest possible period.
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	Circular 11-2019 of the Superior Council of the Supreme Court Article 5 of the Organic Law of the Judiciary, which establishes the Prompt Dispatch. In international abduction processes, it is a summary process, which has only one appeal instance before the Family Court.
<b>Cyprus</b>	
<b>Czech Republic</b>	Legal regulation and Brussels IIb regulation

<b>Denmark</b>	
<b>Dominican Republic</b>	The aforementioned Resolution 480-08 establishes short deadlines to learn about the application process of the 1980 Hague Convention, which is adjusted to the six-week deadline. Limited to hearing a single appeal, there are no further appeals open on these matters.
<b>Ecuador</b>	
<b>El Salvador</b>	Tramite judicial mediante proceso abreviado (art. 274 literal "h" de la Ley Crecer Juntos para la Protección Integral de la Primera Infancia, Niñez y Adolescencia).
<b>Estonia</b>	referring to Q1
<b>Finland</b>	The cases are prioritised and processed speedily. We do not have any specialised mechanisms in place.
<b>France</b>	<p>En première instance, la demande de retour est formée, instruite et jugée selon la procédure accélérée au fond instaurée par le décret n° 2019-1419 du 20 décembre 2019 relatif à la procédure accélérée au fond devant les juridictions judiciaires (voir la réponse à la question n° 1), c'est-à-dire selon une procédure rapide (article 1210-6 du code de procédure civile).</p> <p>Les décisions ordonnant le retour étant par principe et de droit revêtues de l'exécution provisoire sauf motivation contraire de la juridiction (article 481-1 6° du code de procédure civile), le ministère public chargé de leur exécution décide régulièrement de ne pas attendre l'issue de la procédure d'appel pour mettre en œuvre leur exécution forcée.</p> <p>En appel, des procédures rapides sont également utilisées (procédure dites « à bref délai » prévue par l'article 905 du même code, et procédure "à jour fixe" prévue par son article 907).</p> <p>Le délai de pourvoi en cassation est par ailleurs de quinze jours en matière de déplacement international d'enfant (article 1210-12 du code de procédure civile).</p> <p>Enfin, l'autorité centrale rappelle régulièrement l'obligation de célérité posée par la convention aux différentes autorités nationales amenées à intervenir ou statuer.</p>
<b>Georgia</b>	<p>According to Article 351-14 of Civil Procedure Code of Georgia a court shall deliver a judgment on the return of a wrongfully removed or retained child or on the right of access to the child expeditiously, within six weeks after commencement of proceedings. If the court fails to comply with this provision the Central Authority of Georgia, acting with its capacity under Article 7 of 1980 Hague Convention, is entitled to request information from the court on the impeding circumstances due to which the case could not be considered within 6 weeks and to request the court to act in an expeditious manner with regard to the consideration of the case.</p> <p>The judgment delivered by the first instance courts on returning of a wrongfully removed/retained child or on applying the right of access to the child may be appealed to the Court of Appeal in accordance with the procedures established by Civil Procedure Code, within two weeks after a reasoned judgment has been served upon the party.</p> <p>Moreover, the judgment delivered by the Court of Appeal on returning of a wrongfully removed/retained child or on applying the right of access to the child may be appealed to the Supreme Court of Georgia within two weeks after a reasoned judgment has been served upon the party. The decision</p>



	rendered by the Supreme Court of Georgia is final and is not subjected to the appeal.
<b>Germany</b>	In Germany, only one appeal, to be introduced within two weeks, is possible against the first instance decision (Article 40 (2) IFLPA). To promote the swift enforcement, the enforcement has to take place ex officio, thus without a further application for enforcement to the court (Article 44 IFLPA). The concentration of jurisdiction at specialised courts as well as the regular specialised judges' conferences twice a year are also relevant.
<b>Honduras</b>	
<b>Iceland</b>	According to national legislation cases concerning the return of children under the Hague Convention shall be processed as quickly as possible. If no decision on the return of a child under the Hague Convention has been taken within six weeks of the receipt of an application by a district court, the court shall explain the reasons for the delay if the applicant requests it to do so.
<b>Israel</b>	<p>Israel's Family Court Regulations 2020 (as in the preceding Civil Procedure Regulations (Amendment of 1995) provide a fast-track procedure for 1980 Hague Convention cases, including strict time frames for setting of hearing dates, filing Responses, and the giving of a judgment, all within six weeks of the date that the Petition for Return was filed in Court. Appeals must be filed within one week of the judgment, with a hearing date to be set within 10 days from the date of the filing of the appeal, and a judgment to be given within 30 days of filing the appeal.</p> <p>Israeli courts tend to give detailed orders with respect to the return, including a provision for involvement of the police and welfare authorities if necessary. If the taking parent does not cooperate with the return order, the Central Authority will coordinate the execution of the order with the police and welfare authorities. Orders for return are therefore swiftly enforced.</p>
<b>Italy</b>	Art.24 (2) Regulation (UE) 2019/1111
<b>Jamaica</b>	
<b>Japan</b>	<p>Both the Tokyo Family Court and the Osaka Family Court, which hear cases seeking the return of children, have developed and operate standard hearing models to reach a decision within six weeks of the petition.</p> <p>Specifically, after receiving the petition, the courts designate an initial appearance date within approximately two weeks and formulate a trial plan upon hearing from the parties the schedule for collection of trial materials. Subsequently, a second appearance date is held within about five weeks of petition, in which the judge hears the circumstances from the parties based on the trial materials collected to date. Next, a trial date is set for roughly one week after the second appearance.</p> <p>In Japanese courts, generally, this practice is promptly and appropriately carried out to handle cases relating to the return of the child.</p>
<b>Latvia</b>	<p>The Civil Procedure Law provides for swift procedure and limitation of appeal (only one). In fact, the whole process to review the matter, including one level of appeal, takes exactly six weeks.</p> <p>The official and original text of the relevant chapter, namely, the Chapter 77.2 "Cases Regarding the Wrongful Removal of Children across Borders to Latvia or Detention in Latvia" is available at:  <a href="https://likumi.lv/doc.php?id=50500">https://likumi.lv/doc.php?id=50500</a> .</p>

<b>Lithuania</b>	The Law on the implementation of European Union and international legislation regulating civil procedures (Art. 7 p. 5) determines that the request for child return has to be considered within term set in Art. 24 of Regulation Brussels IIb ( <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.331603/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.331603/asr</a> ).
<b>Montenegro</b>	
<b>New Zealand</b>	The New Zealand domestic law incorporating the Hague Convention provides for expedited proceedings. The New Zealand Central Authority has mechanisms in place to ensure the prompt handling of a case and expedited determination.
<b>Panama</b>	as soon as it is determine that the Judicial process is necessary, all the relevant information and documentation is provided to the authority for them to treat the international restitution cases within the 6 weeks
<b>Peru</b>	
<b>Poland</b>	In order to assist with complying with the six week deadline we ensure that, procedurally, all cases are determined in a reasonably summary manner. However, this can be difficult to achieve and it is not easy in practice to determine contested cases within this timescale.
<b>Portugal</b>	depends from court to court (only in 1st instance Courts)
<b>Singapore</b>	Our internal KPIs is for return decisions to be handed down within six weeks. Upon the filing of an application, the case will be docketed to the hearing judge, who will conduct the case conference within 14 days and give directions for the matter to be heard usually within 4 weeks of the filing. If parties are amenable to mediation, an expedited date will be provided for the mediation before the hearing. FJC has an internal protocol to comply with the expedited timeframes expected for return cases.
<b>Slovakia</b>	
<b>South Africa</b>	<p>Mechanisms to deal with return decisions within six (6):</p> <ul style="list-style-type: none"> <li>-Practice Directives should be developed for all divisions.</li> <li>-Currently only Gauteng has a Practice Directive. Western Cape has drafted one for consideration and adoption by the Judge President.</li> </ul> <p>The Western Cape practice directives state the following:</p> <p>A. Hague Convention Matters</p> <p>(1) All applications brought pursuant to the provisions of The Hague Convention on the Civil Aspects of International Child Abduction 1980 will, as a matter of course, be treated as urgent, with the aim of achieving finalisation within a maximum of 6 weeks from the date on which proceedings were instituted, save where exceptional circumstances render this impossible.</p> <p>(2) The applicant shall set out in the founding affidavit whether there are any other proceedings pending in relation to the child or children concerned, whether at the instance of any Central Authority or otherwise, with relevant details as well as the current status thereof.</p> <p>(3) The Judge President shall designate from time to time a judge or judges who shall be responsible for Hague Convention matters (Hague Judges).</p> <p>(4) It is the responsibility of the applicant's legal representative to ensure that the court file is clearly endorsed so as to indicate that it is a 'Hague Convention' matter, together with the date on which the 6-week</p>

	<p>period will expire. Where an applicant is not represented, the Registrar must assist litigants as far as is possible.</p> <p>(5) After issue of proceedings the court file must be taken to the Judge President who should allocate, if possible, a Hague Judge to case manage the matter and ultimately hear it when ripe for hearing, given that the interests of minor child(ren) are at stake. If no such judge is available, the Judge President may direct that it is placed before the urgent duty judge at the earliest opportunity. The application must also be served on the Family Advocate prior to the court file being taken to the Judge President, and the details of the specific Family Advocate to whom it has been allocated by that Office must be reflected in the Practice Note.</p> <p>(6) Should the matter not be disposed of by the urgent duty judge during the course of that particular week, that duty judge or a Hague Judge designated by the Judge President should ordinarily be seized with the matter and manage the case, with due regard to the urgency thereof, until it is ripe for hearing.</p> <p>(7) The attention of legal representatives is drawn to the following:</p> <p>7.1 Regulations 17 to 30 of the Regulations relating to Children's Courts and International Child Abduction (GN.R250 dated 31 March 2010) which deal, inter alia, with the role of the Family Advocate as Central Authority and procedure in the High Courts;</p> <p>7.2 The recommendation of the International Special Commission ("SC") on Hague Convention Matters that 'to ensure compliance and avoid delays, a court order for return should be as detailed as possible, and include the manner and timing of the return, specifying, for example, with whom, where, when and how the child should be returned. Where possible, the order should make provision for voluntary return and specify the progressive coercive measures to be applied in the event of non-compliance';</p> <p>7.3 The recommendation of the SC that, subject to the best interests of a particular child, competent authorities hearing a child abduction case should consider 'at the earliest opportunity and without undue formality, what appropriate contact and communication should take place between the left-behind parent and the child and proceed to make a determination in those terms as an urgent protective measure. Seeking and/or exercising interim contact per se should not be construed as acquiescence or consent to the wrongful removal or retention and should not produce additional delays in the return procedure.'</p> <p>7.4 Due regard should be had to paragraphs 6.1 to 6.3 above when drafting a notice of motion and / or a draft order for consideration by the presiding judge.</p>
Spain	<p>The whole Spanish procedure designed in 2015 allows to deal with return proceedings in a six week period. The procedure is contentious, summary, special and urgent and provided with production of summary evidences, limitation of appeals, and a swift enforcement. According to art. 778.quinquies.13 LEC, in Spain, if in the enforcement of the judgment in which the return of the child or his or her return to the State of origin is agreed, the Central Authority shall provide the necessary assistance to the Court to ensure that it is carried out safely, adopting in each case the necessary administrative measures. If the parent who has been ordered to return the child or to return him or her opposes, impedes or obstructs compliance, the judge shall adopt the necessary measures for the</p>

	<p>immediate enforcement of the judgment, with the assistance of the social services and the Security Forces and Corps.</p> <p>On top of that and according to arts. 778.quinquies.10 and 11 Spanish LEC, if the restitution or return of the child is agreed, the decision shall establish that the person who has removed or retained the child shall pay the costs of the proceedings, including those incurred by the applicant, travel expenses and those incurred by the restitution or return of the child to the State where the child was habitually resident prior to the abduction. In other cases the costs of the proceedings shall be declared ex officio. Only an appeal with suspensive effect may be lodged against the decision that is handed down, which will have preferential processing and must be resolved within a non-extendable period of twenty days.</p>
<b>Switzerland</b>	<p>Depuis l'entrée en vigueur de la loi fédérale sur l'enlèvement international d'enfant (<a href="https://www.fedlex.admin.ch/eli/cc/2009/379/fr">https://www.fedlex.admin.ch/eli/cc/2009/379/fr</a>) en juillet 2009, les affaires d'enlèvement international d'enfants sont traitées en procédure sommaire par le tribunal cantonal du canton où l'enfant se trouve (concentration de compétence), et il n'y a plus qu'une possibilité de recours au Tribunal fédéral (cour suprême en Suisse). Cette loi règle toute la procédure de retour, du moment de la réception de la requête par l'Autorité centrale à l'exécution d'une éventuelle décision de retour, afin de l'accélérer et de permettre une meilleure prise en compte de l'intérêt de l'enfant.</p>
<b>Türkiye</b>	<p>The regulation stated in the article 9 of the Law on Civil Aspects and Scope of International Child Abduction, numbered 5717 is as follows: Judicial Proceedings (2) All the cases and procedures arising from the implementation of this Law shall be handled in summary process promptly and with priority. "</p> <p>The regulation stated in the article 18 of the Law on Civil Aspects and Scope of International Child Abduction, numbered 5717 is as follows: "Final decisions concerning the return of the child and exercise of the right of access shall be enforced without prior notification of any execution order."</p> <p>According to the Civil Procedure Code No. 6100, "summary process" is a simple and rapid trial procedure accepted for cases and works that need to be concluded more quickly, require a shorter examination and can be concluded with an easier examination."</p>
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	<p>Judiciary The revised Practice Guidance (see Q1 above) is the central mechanism to seek to deal with return decisions within the six week time limit. The Guidance aims to ensure that cases are managed to a final hearing (where necessary) within that timescale.</p> <p>The Practice Guidance also seeks to ensure that any appeal is dealt with promptly.</p> <p>There are two levels of appeal: from the first instance decision in the High Court to the Court of Appeal and then to the Supreme Court. An appeal at each level can only be pursued with the permission of the court. Practical arrangements are in place to seek to ensure that applications for permission to appeal and any substantive appeal are heard as swiftly as possible.</p>
<b>United Kingdom (Northern Ireland)</b>	<p>If all evidence available the court will agree a hearing date ASAP</p>

<b>United Kingdom (Scotland)</b>	Strict case management, use of affidavit evidence, court administration alert to need for urgent timetabling.
<b>United States of America</b>	<p>The USCA informs judges hearing a Hague Convention case of the Convention's requirement to act expeditiously in proceedings for the return of children. .</p> <p>The USCA and our Network Judges often participate in training for judges on the Hague Abduction Convention. The USCA has information specifically for judges and lawyers available on its website that details the requirements of the Convention. U.S. Network Judges are available to respond to requests for direct judicial communications, and to respond to questions from U.S. judges about the operation of the Convention. Moreover, appeals are procedurally limited, and appellate courts generally only review questions of law, not of fact.</p>
<b>Uruguay</b>	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.
<b>Venezuela</b>	El procedimiento establecido para la aplicación del convenio, acortó lapsos para ello, prohibiendo la realización de cualquier experticia dentro del proceso y estableciendo exactamente cinco (5) días para ejecutar expeditamente

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

Costa Rica, Cyprus, Denmark, Montenegro, New Zealand

Please specify:

<b>Argentina</b>	
<b>Australia</b>	
<b>Belgium</b>	
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	There is nothing
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	

El Salvador	
Estonia	
Finland	
France	
Georgia	
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	
Montenegro	
New Zealand	It was New Zealand's experience that due to the increasing complexity of cases during the covid-19 pandemic, timeframes to determine cases increased, but are now returning to pre-covid timeframes.
Panama	
Peru	
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	
Spain	
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United States of America	
Uruguay	
Venezuela	

Yes

Argentina, Brazil, China (Macao SAR), Colombia, Ecuador, Honduras, South Africa, Peru, Ukraine, Venezuela



Please specify:

<b>Argentina</b>	We are working on a national procedural law in order to shorten and streamlined the judicial processing deadlines.
<b>Australia</b>	
<b>Belgium</b>	
<b>Brazil</b>	The edition of Resolution 257 in 2018 and, more recently the edition of Resolution 449 in 2022, both from the National Council of Justice, are demonstrations of the concern of the Judiciary Branch's top organs in allowing greater agility in the proceedings based on the 1980 Hague Convention. There is also the perspective of approval of a bill that may provide for a more abbreviated procedure with fewer appeals, so as to allow compliance with the six-week deadline for resolution of the case.
<b>Bulgaria</b>	
<b>Canada</b>	
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	Yes. The Central Authority of the Macao SAR will continuously update and elaborate its process guidance to set appropriate procedural deadlines.
<b>Colombia</b>	The Colombian Central Authority lead the draft law to regulate the colombian procedure for the incoming Hague Return Cases. The draft is ready to be filed before the Colombian Congress. However, nowadays we have a guideline for the Administrative Authorities where we establish the general procedure and the requirement of prompt return within six weeks.
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	A reform to the Law for Children Protection will be presented to the National Assembly in April 2023 to include regulations for a proper implementation of the Convention.
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	
<b>Georgia</b>	
<b>Germany</b>	
<b>Honduras</b>	As we mentioned in the Question number 1, the UTECH is promoting the protocols, guidelines, procedures and tools in order to apply in a better way the Convention of 1980. Such protocols will be elevated and applied in the Supreme Court.
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	
<b>Montenegro</b>	

<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	<p>Currently, there is the New Civil Procedure Code Project, which consists of a comprehensive review of the current Code to optimise the regulation of civil proceedings, thereby ensuring that users can access a better justice service.</p> <p>To this end, a working group was formed through Ministerial Resolution 0299-2016-JUS and made up of recognised specialists, who gave their proposals for improvement, in order to incorporate new institutions that respond to the demands of society, jurisprudential development and the contributions of comparative civil procedural legislation.</p> <p>The draft Code of Civil Procedure proposes to speed up proceedings, reduce the possibilities of annulment of procedural actions and guarantee that they do not lend themselves to delaying strategies.</p> <p>Similarly, the amendments to the enforcement regime aim to ensure that sentences are fully enforced. This would make access to justice for return and international access applicants faster, more predictable and more effective in protecting rights.</p>
<b>Poland</b>	n/a
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	<p>The Gauteng Family Court is a test case. It will be monitored to see improvement in the current system.</p> <p>The Practice Directive is helpful. It will seek to improve on the current court practice directives</p> <p>Rule 41 A on mediation is relied upon and used by judges regularly to the extent of insisting on the parties to embark upon mediation in the prehearings. If not, the matter can be struck off the roll</p>
<b>Spain</b>	
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	<p>The Ministry of Justice of Ukraine had elaborated the draft Law on amendments of the legislation, which also foresees the changes to the Civil Procedural Code of Ukraine. These changes provide for specific procedural terms for consideration of the return case. These changes after adoption will allow the consideration of the case within 6 weeks. The draft law is under approval of the other involved authorities of Ukraine. After approval, it will be forwarded for consideration to the Cabinet Minister of Ukraine and after that to the Parliament for adoption.</p>
<b>United Kingdom (England and Wales)</b>	Not applicable
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	Not applicable
<b>United States of America</b>	
<b>Uruguay</b>	
<b>Venezuela</b>	Resolución de Sala Plena del Tribunal Supremo de Justicia 2017-0019

10. Do the courts in your State make use of direct judicial communications<sup>5</sup> to ensure prompt proceedings?

No

Bulgaria, China (Macao SAR), Colombia, Cyprus, Denmark, Ecuador, France, Georgia, Honduras, Iceland, Israel, Japan, Lithuania, Montenegro, Peru, Türkiye

Yes

Argentina, Australia, Belgium, Brazil, Canada, Chile, China (Hong Kong SAR), Costa Rica, Czech Republic, Dominican Republic, El Salvador, Estonia, Finland, Germany, Italy, Jamaica, Latvia, New Zealand, Panama, Poland, Portugal, Singapore, South Africa, Spain, Switzerland, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela

Please specify:

<b>Argentina</b>	Certain cases have made use of direct judicial communications in order to ensure the prompt proceeding, in order to accelerate the exchange of information
<b>Australia</b>	Direct judicial communication is used for dealing with general enquiries between contracting states and for dealing with specific case related issues subject to appropriate natural justice and due process requirements being met. Judicial communication cannot take place without the consent of all parties to the return application (but invariably consent is given).
<b>Belgium</b>	Les communications judiciaires ont eu lieu par l'intermédiaire du juge de réseau.
<b>Brazil</b>	Where there is any doubt about the measure to be adopted for the child's return, usually there is contact between the federal judge of the process and a liaison judge who, in turn, contacts the liaison judge of the state of the child's habitual residence for further information about how to proceed in order to effect the return.
<b>Bulgaria</b>	
<b>Canada</b>	Canadian judges in all jurisdictions can engage in direct judicial communications if needed, but it remains rare. The three Canadian judges designated for the purposes of the IHNJ assist with all incoming and outgoing requests for direct judicial communications.  Direct judicial communications have helped expedite proceedings, for example by allowing a judge hearing a return application in Canada to obtain quickly information about the Court processes or measures available in the other State or the possibility of enforcing undertakings made in Canada in the other State.
<b>Chile</b>	Direct judicial communications are not used in every case, but courts are aware that it is a resource that is available to them, and they have been used in the past.
<b>China (Hong Kong SAR)</b>	Two Network Judges have been designated for the purpose of conducting direct judicial communications. A Practice Direction-SL7 (PDSL7") has been issued to facilitate such communications. PDSL7 could be accessed at:

<sup>5</sup> 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".

	<a href="https://legalref.judiciary.hk/lrs/common/pd/pdcontent.jsp?pdn=PDSL7.htm&amp;lang=EN">https://legalref.judiciary.hk/lrs/common/pd/pdcontent.jsp?pdn=PDSL7.htm&amp;lang=EN "</a>
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	The Central Authority has a very good communication with the Childhood, Adolescence and Family Court and Network of Judges.
<b>Cyprus</b>	
<b>Czech Republic</b>	Through the liaison judge of the International Hague Network of Judges
<b>Denmark</b>	
<b>Dominican Republic</b>	Our country has the designation of a Judge for the International Hague Network of Judges (Judge Antonia Josefina Grullón Blandino, Court Judge, in the Court of Appeals for Children and Adolescents of the National District.) to guarantee the correct application of the Convention, this person facilitates communication between the central authority and the judges who find cases of international abduction, provide guidance, among other support..
<b>Ecuador</b>	
<b>El Salvador</b>	Desde el momento de la designación de la actual jueza enlace, no ha existido ningún requerimiento por autoridades judiciales de El Salvador para acelerar el trámite de sus procedimientos, a pesar de conocer el mecanismo, pero sí se ha recibido requerimientos de jueces de otros Estados solicitando conocer el Estado de los requerimientos, dichas solicitudes han sido coordinadas con la autoridad central de El Salvador, a pesar de ser comunicaciones judiciales directas.
<b>Estonia</b>	In cases within the EU, Article 86 of Brussels IIb Regulation provides a legislative basis for direct judicial cooperation during, among others, return proceedings.
<b>Finland</b>	Yes, if needed. In Finland, the Helsinki Court of Appeal is the only first instance court for return applications. We have specialised judges, however, the amount of these judges is limited. The proceedings are usually very prompt.
<b>France</b>	L'autorité centrale française n'a connaissance que de très rares cas particuliers dans lequel la juridiction française a communiqué avec son homologue étranger.
<b>Georgia</b>	
<b>Germany</b>	<p>In 2022 the two German network judges in the IHNJ dealt with 24 requests specifically concerning Hague return proceedings, 15 from Germany, 9 from outside. In 5 cases cross-border contact with the network judges in the other states took place.</p> <p>One example: An English judge dealing with return proceedings asked the German network judges to provide information and assistance on the provisions of German immigration law, because he had to examine the existence of the exceptional circumstances of Art. 13 I b of the 1980 Hague Convention for his decision. The case concerned foreign children who had been living in Germany for several years and had a so-called tolerated status (Duldung") within the meaning of German immigration law. The children had been abducted to the United Kingdom by one of their parents, as a result of which their residence status in Germany had lapsed in the view of the German Immigration Authority. In close cooperation with the Federal Office of Justice, the network judges tried for several months to obtain the issuance of entry permits for these children. Within the framework of the 1980 Hague Convention proceedings, the English court ordered the return of the children despite the children's unclear visa situation. The visas for the children were then issued by the</p>

	German authorities on the basis of Section 22 of the German Residence Act, based on the Federal Republic of Germany's obligations to cooperate under international law, which arise from the 1980 Hague Convention."
<b>Honduras</b>	
<b>Iceland</b>	Not in general.
<b>Israel</b>	Israel requires legislation in order to conduct direct judicial communication. This process is under review. In the interim, communication has been done on an informal basis when possible in the particular circumstances of the case.
<b>Italy</b>	It's only known that Italian Judges of the Network are not rarely involved in direct communications with Colleagues
<b>Jamaica</b>	
<b>Japan</b>	Japanese courts do not use direct judicial communication with regard to specific cases, because Japan lacks the legal basis (ex. international agreements or domestic legislations) necessary for case-specific direct judicial communication. On the other hand, within the framework of International Hague Network Judges, our sitting judges exchange views and experiences on general matters with judges from other States through members designated to the network.
<b>Latvia</b>	
<b>Lithuania</b>	We do not know the child return cases in our State where the Court would use the direct judicial communication. Usually if needed the Court request the Central Authority to obtain required information / confirmation or etc. from authorities of other State.
<b>Montenegro</b>	
<b>New Zealand</b>	<p>New Zealand CA supports communications among Network Judges and between Network Judges and Central Authorities Judicial communication is used infrequently but can be useful in clarifying concerns of a general nature.</p> <p>If the information sought may more appropriately be obtained through other channels to meet the rules of evidence then information will be communicated about the proper process so that the information is provided on a proper evidentiary basis that can be used as evidence during the court proceedings.</p>
<b>Panama</b>	the implementation of technological communication
<b>Peru</b>	In the Peruvian State, one of the principles of due process is the independence of the jurisdictional function, as regulated by paragraph 2 of Article 139 of the Political Constitution of the State, and therefore there is no direct communication between the Judges who hear these proceedings and the plaintiffs, even if they are represented by the Central Authority. However, there are permanent direct communications between the Central Authority and the Liaison Judge of the Peruvian Republic, regarding the follow-up and status of the proceedings they hear on the matter.ease insert text here
<b>Poland</b>	Justice Mrs. Agnieszka WIŚNIEWSKA-KALUTA has been designated to the IHNJ.
<b>Portugal</b>	It depends on the Judge
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	A few years ago, in a matter where the South African court( WC) was seeking and order from the Miami courts on the legal status of a muslim marriage in order to determine if a father had responsibilities and rights to his child who was abducted by the mother.

	<p>Due to the “un-unified” structure of the Family courts and lack of exposure to the work of the Liaison judge and Hague Conference Network of Judges, this has proved difficult.</p> <p>Seminars are meant to address this confusion/lack of understanding the role of a Liaison Judge and Direct Judicial Communication and its value.</p>
<b>Spain</b>	<p>According to art. 778.4, Spanish LEC: In this type of proceedings and with the aim of facilitating direct judicial communications between courts in different countries, if this is possible and the Judge considers it necessary, the assistance of the Central Authorities involved, of the existing International Judicial Cooperation Networks, of the members of the International Network of Judges of the Hague Conference and of the Liaison Judges may be used. On top of that and in a general description it is established under art. 4 of Spanish Law 29/2015, 30 July, on International legal cooperation in civil matters, the following: Article 4. Direct judicial communications. 1. The Spanish courts shall be empowered to establish direct judicial communications, respecting in all cases the legislation in force in each State. Direct judicial communications are understood to be those that take place between national and foreign courts without any intermediation whatsoever. Such communications shall not affect or compromise the independence of the courts involved or the rights of defence of the parties. 2. The Spanish judge shall inform the foreign judicial authority of the terms in which the communication is to take place and the manner in which it is to be recorded. 3. In the event that the communication is made in writing, and if the judge considers it necessary, he shall seek the assistance of a translator. If he considers it appropriate, and prior to the communication, he shall give the parties a hearing in order that they may make such submissions or requests as they deem appropriate. In any event, once the communication has been completed, its content shall be recorded in the proceedings and the parties shall be notified. 4. In the event that the communication is made orally, and if the judge considers it necessary, he shall request the assistance of an interpreter. If he considers it appropriate, and prior to the communication, he shall give the parties a hearing so that they may make the allegations or requests that they deem appropriate. If possible, and whenever he considers it appropriate, the judge may allow the presence of the parties during the course of the communication. In any case, once the communication has been completed, its content shall be recorded by recording or other means, which shall be incorporated into the proceedings and shall also be communicated to the parties. 5. In any case, the judge shall adopt the appropriate measures to preserve the confidentiality of the information that is the object of the communication of this nature."</p>
<b>Switzerland</b>	<p>Cela arrive mais n'est pas encore pratique courante. En Suisse, nous avons une base légale les permettant (art. 10 de la loi fédérale sur l'enlèvement international d'enfant:  <a href="https://www.fedlex.admin.ch/eli/cc/2009/379/fr#art_10">https://www.fedlex.admin.ch/eli/cc/2009/379/fr#art_10</a>)</p>
<b>Türkiye</b>	
<b>Ukraine</b>	<p>We suppose that the courts could benefit from the direct judicial communication, but information concerning the concrete cases is not available.</p>
<b>United Kingdom (England and Wales)</b>	<p>Judiciary The IHNJ provides a very effective means of judicial co-operation. There are, however, isolated examples of a designated member of the Network not responding to requests for assistance.</p> <p>Judicial co-operation is inevitably impeded if a Contracting Party has not designated a judge to be a member of the IHNJ.</p>



	<p>For example, co-operation was made more difficult by there being no appointed HNJ in Greece in a 1996 Hague case (see AM &amp; Anor v KL &amp; Anor [2023] EWFC 15 (10 February 2023) (bailii.org). This issue was resolved by another Greek judge fortuitously agreeing to pass on the questions of the English court to the judge seised of the matter in Greece and to return the answers to those questions.</p> <p>Direct judicial communications about promptness usually only occur when there have already been substantial delays. We are, however, concerned about being seen to interfere in the progress of proceedings in another jurisdiction and typically just draw attention to the fact that the proceedings are continuing. See further Question 12 below</p> <p>Direct judicial communications are occasionally used to seek to ensure promptness in other respects (e.g. transfer of jurisdiction, or progress of parental responsibility proceedings).</p>
<b>United Kingdom (Northern Ireland)</b>	If judge feels it is appropriate, Judicial liaison will be used
<b>United Kingdom (Scotland)</b>	Regular direct communication with judiciary of England and Wales. Email communication with Australia.
<b>United States of America</b>	A court in the United States may engage in direct judicial communications when adjudicating a Convention case, as appropriate. The USCA believes direct judicial communications may help expedite resolutions in Convention cases.
<b>Uruguay</b>	<p>Examples:</p> <p>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,</p> <p>SPAIN: Internal direct judicial communication on March 2022 with the competent Uruguayan Judge in an abduction case, case IUE 329-131/2022.</p> <p>BRAZIL: Direct internal judicial communication on June 2022, with the competent Uruguayan Judge - case IUE 396-13137/2022,</p> <p>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.</p> <p>ARGENTINA - Assistance in International Access case on August 2022, direct internal judicial communication with the competent Uruguayan Judge - case IUE 341-302/2022.</p>
<b>Venezuela</b>	Su uso dependerá siempre del Juez que conozca del procedimiento de restitución.

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

Montenegro, Peru

Yes

Bulgaria, Cyprus, Dominican Republic, Ecuador, Estonia, Finland, Georgia, Honduras, Lithuania, South Africa, Venezuela

Please specify:

<b>Argentina</b>	
<b>Australia</b>	Australia has designated three sitting judges to the International Hague Network of Judges
<b>Belgium</b>	
<b>Brazil</b>	Not applicable
<b>Bulgaria</b>	Our state designated judge in IHNJ
<b>Canada</b>	
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	Two judges of the Macao SAR were designated to the International Hague Network of Judges.
<b>Colombia</b>	We have designated a Judge to the International Hague Network of Judges
<b>Costa Rica</b>	
<b>Cyprus</b>	Mrs Dora Socratous, Supreme Court Judge Mrs Miranda Toumazi, President of the Family Court
<b>Czech Republic</b>	
<b>Denmark</b>	We have a designated judge
<b>Dominican Republic</b>	Observe our answer 10
<b>Ecuador</b>	It is expected the Judicial Council to designated the judge.
<b>El Salvador</b>	No aplica
<b>Estonia</b>	We have already, judge Liina Naaber-Kivisoo
<b>Finland</b>	Finland has designated a judge to the International Hague Network of Judges
<b>France</b>	La France a désigné un juge dans le cadre de ce réseau.
<b>Georgia</b>	Georgia does not have a Hague Network Judge yet, but internal processes are underway to appoint a judge.
<b>Germany</b>	
<b>Honduras</b>	Recently, the DINAF through UTECH has requested a meeting with the Supreme Court to address these issues.
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	
<b>Jamaica</b>	N/A. There is a Hague Network Judge in Jamaica
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	The judge who considers the child return case decides to request the judge of IHNJ for assistance or not, but we believe that in case the assistance of Central Authorities would be insufficient, the judge would contact the judge of IHNJ.

Montenegro	
New Zealand	New Zealand has designated two judges to the IHNJ and encourage States to consider the designation of judges to join the IHNJ.
Panama	Not applicable
Peru	The Peruvian State has appointed a liaison judge, who is Magistrate NANCY CORONEL AQUINO, Superior Family Judge of the Superior Court of Justice of Lima, Peru.
Poland	n/a
Portugal	
Singapore	Singapore has sitting judges on the IHNJ
Slovakia	
South Africa	Judge BC Mocumie is the designated Judge
Spain	
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	Not applicable
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	Not applicable
United States of America	N/A
Uruguay	
Venezuela	El Estado Venezolano cuenta actualmente con un total de cuatro (4) Jueces de Enlace a nivel nacional, figura en la que se ha apoyado nuestro país desde el año 2007.

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?

Argentina	<p>V. y S. L. case: the judge of Córdoba Province requested communication with the Italian judge prior to issuing a restitution decision, because in Italy there was a demand for a change of residence for the children and he wanted to articulate with his Italian counterpart the best way to proceed.</p> <p>B.A case: In Bariloche, Province of Rio Negro, the acting judge requested communication with the Northern Ireland judge to inquire about the existence of pending procedures, to inform about the restitution procedure in Argentina.</p>
Australia	<p>There are several cases in which a judge has used direct judicial communication with a judge of the requesting State regarding the issue of the child's safe return.</p> <p>In Department of Communities and Justice &amp; Bamfield [2021] FedCFamC1F 263 (8 December 2021), her Honour enquired of a Belgian judge of the 'simple and rapid' procedure available under the 1996 Convention to have orders proposed to be made enforceable in Belgium. Having satisfied herself that certain return conditions in the orders could</p>

	<p>be made enforceable in Belgium, her Honour proceeded to make those orders.</p> <p>In <i>State Central Authority v Muteki</i> (No 2) [2018] FamCA 783, the parties consented to direct judicial communication between Justice Bennett and the Hague Network Judge for New Zealand about protection orders from the Family Court of New Zealand under the Family Violence Protection Act 1995 (NZ). The purpose of the direct judicial communication was in relation to ascertaining what protective orders could be made for the mother and the child on return. Direct judicial communication was used to effect the safe return of the child to New Zealand. The outcome was that a return order was issued. Regarding the direct judicial communication in relation to protective conditions, Justice Bennett held that the most efficacious way to effect the protective orders in New Zealand was to hold the mother responsible for obtaining such protective orders, such as a Domestic Violence Order, on her return.</p> <p>In <i>State Central Authority &amp; Del Rosario</i> [2019] FamCA 607 (14 August 2019), information relating to conditions imposed on the return order was accessed through central authorities and confirmed by direct judicial communication between Justice Bennett and Brazil. The parties consented to the direct judicial communication between Justice Bennett and the judge designated to the International Hague Network of Judges for Brazil. Justice Bennett posed the following questions: (i) can the parties file consent orders in the Family Court of Brazil that can be made into interim court orders regarding temporary rights of custody and visitation in terms of the proposed conditions..., (ii) is there any other means by which an order could be obtained in the Family Court in Brazil in terms of the proposed conditions..., (iii) does the mother have to be present before the Court for the order to be made and if not present personally would she need to be represented, (iv) does the Court have any facility for holding the child's passport in safe custody pursuant to an order of that Court, and (v) can the Brazilian Central Authority investigate whether there is any outstanding warrant for the arrest of the mother or whether she facing criminal charges.</p> <p>The direct judicial communication was related to the child's safe return, as the mother was arguing that the child's return to Brazil would expose the child to a grave risk of harm or otherwise place the child in an intolerable situation. Justice Bennett (with the assistance of the information obtained in the direct judicial communication) found the grave risk defence must fail, and ordered the return of the child to Brazil.</p>
Belgium	<p>Notre juge de réseaux, a pu recenser, sur les trois dernières années, 14 affaires dans lesquelles une situation de déplacement illicite a donné lieu à une communication judiciaire directe entre un juge belge et un juge d'un autre Etat (Finlande, Allemagne, Pologne, Suisse, Portugal, Espagne Pays-Bas, Roumanie, Slovaquie).</p> <p>Cependant, à deux exceptions près, ces communications étaient menées entre des juges saisis de demandes relatives à la responsabilité parentale et n'impliquaient pas un juge saisi d'une demande de retour fondée sur la convention de La Haye 1980 en vue de ce qu'on appelle « soft landing » ou « un retour sans danger ».</p> <p>Indirectement il s'agissait évidemment aussi de veiller à préserver l'enfant d'un retour non encadré et d'assurer que le juge compétent au fond dans l'Etat d'origine ait pris les mesures qui s'imposent dans les meilleurs</p>

délais. De cette manière, la procédure de retour pouvait être évitée, suspendue, ou son issue simplement facilitée par l'existence dans l'Etat d'origine d'un cadre judiciaire adaptée à la situation actualisée.

La communication a notamment pour objet d'informer le ou les juge(s) saisis dans l'Etat refuge, de l'existence d'une mesure de protection, d'un placement en famille d'accueil, d'une procédure en cours, d'une décision exécutoire, etc..., de manière à fournir toutes les informations utiles et nécessaires aux autorités de l'Etat refuge en vue des décisions à prendre le cas échéant par celles-ci. Par la même occasion, la communication concerne l'existence et l'état d'avancement des procédures menées dans l'Etat refuge, pour résoudre notamment les situations de litispendance.

Lorsque le juge de l'Etat d'origine estime que l'intérêt de l'enfant est de rester avec le parent qui est à l'origine du déplacement illicite, ce juge communique avec un juge saisi dans l'Etat refuge au sujet des possibilités dans cet Etat pour encadrer une reprise de contact avec le parent distant ou au sujet d'un éventuel transfert de compétence. Dans une affaire en cours, la communication doit aboutir, prochainement, à l'organisation d'une audition de l'enfant commune avec les deux juges, et ce par voie de vidéo-conférence.

En revanche, dans deux affaires, la communication provient du juge saisi de la procédure de retour sous la convention de 1980 :

1. Dans une affaire encore en cours, la Belgique est l'Etat requis (et répond donc à l'hypothèse de la question) : le juge belge saisi de la demande de retour a communiqué avec les autorités de la protection de la jeunesse de l'Etat d'origine (Pays-Bas).

Avant son déplacement, l'enfant résidait avec sa mère aux Pays-Bas sous une mesure de surveillance avec des modalités de reprise de contact progressif avec le père. La mère a déplacé l'enfant vers la Belgique de façon illicite et les autorités de protection néerlandaises avaient alors clôturé leur intervention dès lors que l'enfant se trouvait en Belgique.

L'objet de la communication tendait à planifier le déroulement pratique du retour de l'enfant et les garanties que l'enfant puisse être repris sous surveillance des autorités néerlandaises dès son retour aux Pays-Bas. La mère, qui s'était apparemment remariée en Belgique, n'était pas présente à l'audience.

Compte tenu du système légal aux Pays-Bas, la communication s'est déroulée avec l'autorité administrative de protection des enfants et non pas avec un juge. Il a d'abord été confirmé qu'aucune mesure de protection n'était encore en cours aux Pays-Bas. Pour le retour des enfants, l'autorité néerlandaise a élaboré avec les personnes concernées des alternatives, selon que la mère accompagne l'enfant ou pas et selon que celle-ci est disposée à collaborer.

- o Soit la mère accompagne et l'enfant sera mis sous une mesure de surveillance par une institution certifiée
- o Soit la mère n'accompagne pas et l'enfant pourra être confié
  - Soit aux grands-parents
  - Soit au père avec l'aide des sœurs de celui-ci

Dans les deux cas également une mesure de surveillance provisoire et un placement hors du milieu familial est prévu.

	<p>Il était demandé de fournir les références de personnes qui seront en charge de l'application des mesures d'aide et de protection, afin de les mettre en contact pour l'exécution pratique du transfert de l'enfant.</p> <p>La décision du juge belge dans cette affaire sera communiquée dès qu'elle sera prononcée.</p> <p>2.</p> <p>A l'inverse, dans une autre affaire, ce sont les Pays-Bas qui, comme Etat requis, étaient saisis de la procédure de retour. La communication du juge néerlandais saisi de la demande de retour, avec le juge belge, compétent au fond, avait pour objet de lui demander d'envoyer son jugement, qui selon les avocats était annoncé pour une date donnée, le jour même du prononcé, afin d'être en mesure d'en tenir compte dans sa décision.</p>
<b>Brazil</b>	<p>There was a concrete case of the return of the child to Argentina in which the Argentine liaison judge questioned the manner of compliance with the decision of the Brazilian judge. It was a case that occurred during the year 2020 – at the beginning of the COVID-19 pandemic – in which the Brazilian judge ordered the return of the child, who was only 4 years old, without the presence of the father, and only the father's lawyer. There was communication between the Argentine and Brazilian liaison judges to prevent the return from occurring in this manner. The judge of the case changed the manner of compliance with his order, to await the presence of the Argentine father. The communication to this end was successful.</p>
<b>Bulgaria</b>	no such case
<b>Canada</b>	<p>In the case of Mbuyi v Ngalula, 2018 MBQB 176 (<a href="https://canlii.ca/t/hw3zs">https://canlii.ca/t/hw3zs</a>), the Canadian judge communicated with an American judge (from an Iowa Court) to discuss:</p> <ul style="list-style-type: none"> <li>- the timeliness of, and options for obtaining interim custody, access and support orders as well as civil protective orders in Iowa,</li> <li>- the possibility of having an order made in Canada or undertakings made by the left-behind parent recognized and enforced in Iowa.</li> </ul>
<b>Chile</b>	<p>Case number C-302-2018, Second Family Court of San Miguel (TEVES/CALLEJAS, Argentina). The Family Court judge suspended the hearing for 24 hours (from Friday to Monday) in order to contact the judge in Argentina, to better understand Argentina's childcare and custody laws. The judges were able to communicate over the weekend (despite the fact that it was a weekend), and by Monday the Chilean judge had all the information she needed to make a decision (she ultimately ordered the return of the child to Argentina, based in part on that country's custody rules).</p>
<b>China (Hong Kong SAR)</b>	We are not aware of any such case.
<b>China (Macao SAR)</b>	There was no such case.
<b>Colombia</b>	<p>Sometimes the Judges request from the Colombian Central Authority cooperation to require the local authorities of the requesting State regarding a follow-up on the child's conditions, in case they order the return to the habitual residence country.</p>
<b>Costa Rica</b>	We don't have a case with the Hague Convention but with a bilateral agreement between Costa Rica and Brazil.
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	None
<b>Dominican Republic</b>	Regarding national law on child's custody and visiting rights.ease insert text here
<b>Ecuador</b>	



<b>El Salvador</b>	No ha existido comunicación para dicho fin, desde el momento de designación de la actual jueza enlace.
<b>Estonia</b>	Sometimes, there are welfare requests from the courts during 1980 proceedings.
<b>Finland</b>	The court has communicated (with the help of the Central Authority) with the Social Welfare Authority of the requesting state in order to find out the protective measures that could be applied to ensure the safe return of the children. The answer was given promptly and the children were returned.
<b>France</b>	L'autorité centrale a connaissance de quelques situations dans lesquelles le juge a, avant de statuer, sollicité des autorités de l'État requérant des éléments concernant la situation du parent ravisseur et de l'enfant à leur retour (situation pénale, interdiction de quitter le territoire, mesure coercitive, mesures de protection de l'enfance pouvant être mises en place). Il s'agissait de s'assurer que l'enfant n'encourrait pas de risque grave sans dépendre uniquement des allégations des parties car une exception était soulevée au titre de l'art 13,b. Le Réseau international des juges de La Haye et le Réseau judiciaire européen en matière civile et commerciale sont parfois utilisés et recommandés aux juges pour faciliter les communications.
<b>Georgia</b>	Not applicable.
<b>Germany</b>	<p>Direct judicial communication is usually facilitated by the Hague Network Judges. The requests addressed towards the Network Judges encompass such diverse topics as:</p> <ul style="list-style-type: none"> <li>- Protective measures upon return for the taking parent, e.g. arrangements for the taking parent to be admitted to a women's shelter.</li> <li>- Investigation as to whether an arrest warrant is in place in the State of habitual residence.</li> <li>- Questions regarding custody rights in the context of Art. 3 1980 Hague Convention and more specifically regarding existing orders transferring custody rights to one parent.</li> <li>- Clarification as to whether custody proceedings have already been instituted in the State of habitual residence.</li> <li>- Enquiry if a mirror order is necessary.</li> </ul> <p>The requested information was often delivered within days. The communication in most cases is conducted via e-mail. In Germany the aforementioned requests are handled in close cooperation between the courts and the Central Authority. In particular, the German Central Authority and the Hague Network Judges coordinate whether the specific request is better handled via the Judges' Network or via the network of Central Authorities or if a simultaneous approach is more expedient in order to obtain the necessary information prior to the court hearing.</p> <p>Case example: A German judge who had to decide in a Spanish-German abduction case contacted the German network judge because she wanted to ensure the child's safety by involving the Spanish authorities in case the child returned to Spain. The Spanish judge at the child's place of residence after the return, who was involved with the help of the Spanish network judge, provided us with the relevant regulations of Spanish law and promised the later involvement of Spanish authorities. The German colleague was thus able to order protective measures compatible with Spanish law in the German decision on the return of the child due to Art. 27 (5) Brussels IIb.</p>
<b>Honduras</b>	At this moment, we do not know about any case with this kind of communication.
<b>Iceland</b>	
<b>Israel</b>	

<b>Italy</b>	
<b>Jamaica</b>	Would not be able to offer any information because the Hague Judge is independent and would not communicate with the Jamaica Central Authority in that way
<b>Japan</b>	No such cases in Japan.
<b>Latvia</b>	
<b>Lithuania</b>	There are no such cases.
<b>Montenegro</b>	We didn't have such cases
<b>New Zealand</b>	
<b>Panama</b>	yes, and it was useful to understand the law in certain state to determine the best interest of the minor.
<b>Peru</b>	In the Peruvian State, it is never customary for a judge to communicate with the judge of another State regarding the safe return of the child, due to the independence of the jurisdictional function. However, there is permanent communication between the Peruvian Liaison Judge and other Liaison Judges in other countries regarding the safe return of the child, for example with the country of Argentina.
<b>Poland</b>	There are no known cases of direct communication between Polish judges and judges from other contracting states or relevant authorities.
<b>Portugal</b>	The PCA is not aware of any case
<b>Singapore</b>	No known case yet.
<b>Slovakia</b>	
<b>South Africa</b>	The Central Authority assists the court with such information
<b>Spain</b>	A very recent case can be cited in which, at the request of a judge of the Provincial Court of Barcelona, the Spanish liaison judge of the IHNJ established contact with his counterpart in Germany in order to achieve direct judicial communication between national judges and, in particular, with the judge(s) of the court of Offenbach Am Main (Frankfurt) in the framework of Art. 86 of Regulation Brussels IIb. In the international child abduction proceedings in Spain, the German courts, apparently of the Offenbach am Main district, were involved in criminal and divorce proceedings. Therefore, the Spanish judge, in view of Articles 25 and 27 of the Brussels IIb Regulation, needed to know which court or tribunal and in which proceedings had intervened with respect to this family, whether measures had been adopted and of what type, or whether they were in the process of being adopted. For all these reasons, the Spanish judge wished to establish personal contact with the head of the German court in order to be able to comment on the factual circumstances that could facilitate or hinder the return to Germany. The request to Germany was made on 15 February 2023 by the Spanish liaison judge of the IHNJ and the German liaison judge of the IHNJ replied on the same day pointing out that his national colleague in Offenbach, who was indeed handling the proceedings in the family court, which concerned an application for custody by the father, was able to admit and establish a direct judicial communication with the court in Barcelona via e-mail for further conversation. After some brief mails, the Spanish judge in Barcelona informed the liaison judge in Spain that the direct judicial communication had been established between the Spanish and German judges directly and successfully on 6 March 2023.
<b>Switzerland</b>	Dans un des cas mentionnés au point 3, la juge suisse a tenté de communiquer directement avec le juge de l'État requérant, avec l'accord des parties. Cependant, le juge de l'État requérant a indiqué ne pas pouvoir communiquer directement avec la juge suisse car le droit procédural de son État ne le lui permettait pas si les parties n'étaient pas présentes. Les questions transmises par courriel n'ont pas reçu de

	<p>réponse, et les deux juges n'ont pas réussi à organiser une manière d'échanger qui respecterait les deux droit procéduraux. Cela démontre qu'il est nécessaire de faire connaître les communications directes et partager les expériences à ce sujet.</p>
<b>Türkiye</b>	
<b>Ukraine</b>	<p>The Ukrainian contact judges provided information that they had received 14 requests in regard to the cases which are within the scope or relates the family matters. Some of them related the application of the Abduction Convention on the occupied territories of Ukraine.</p> <p>One of the requests related the case pending in the Ukrainian court. The aim of the Request was:</p> <p>1) to draw attention to a case of international child abduction identified in the header of this message that was sent to the Ukrainian Central Authority in October 2020.</p> <p>The first hearing in Ukraine was set for May 24, 2021, and was postponed to June 15 because the mother's lawyer was apparently on vacation." The hearing scheduled for June 15 was again postponed to June 29, as the mother said she tested positive for COVID. His lawyer, however, was present, but the hearing did not take place.</p> <p>From the position of the left-behind parent defence in Spain it is thought that these successive postponements could be part of a strategy to force the decision to be made after the end of the year since the child arrived in Ukraine (this date would be August 30, 2021), which although formally would not be an obstacle to the return,</p> <p>2) in addition to these delays, in this specific case, the mother filed a custody claim in Ukraine.</p> <p>The contact judge referred to the court with the letter with the clarifications of the provisions of the Abduction Convention. The content of the delivered court decision concerning the subject shows that the court took into account the provided explanations."</p>
<b>United Kingdom (England and Wales)</b>	<p>Judiciary</p> <p>Examples of direct judicial communication since 2017 include:</p> <p>AM v KL [2023] EWFC 15</p> <p>Re P (Discharge of Passport Order) [2020] EWHC 3009 (Fam)</p> <p>AH v CD [2018] EWHC 1643 (Fam)</p> <p>S Re (A Child) [2022] EWHC 2053 (Fam)</p> <p>Direct judicial communications have also taken place in a significant number of unreported cases. As above, these have included communications addressing the transfer of jurisdiction and the progress of parental responsibility proceedings. In addition, they have included requests for information generally about the progress of proceedings, to inform the courts of the other State of the nature of proceedings in England and Wales to seek to avoid conflicting decisions (when no relevant international instrument applies), to obtain copies of court orders or other documents from proceedings.</p>
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	Not applicable
<b>United States of America</b>	<p>The USCA is not always informed about the purposes and outcomes of direct judicial communications, nor would we necessarily know at what point in the case the communications took place. While the USCA may play</p>

	a role in connecting a judge with a U.S. Hague Network Judge, judges may also reach out to a U.S. Hague Network Judge independently from the USCA. If we are involved in connecting the judges, our involvement often stops there, and we may not be aware of the details of the communications.
<b>Uruguay</b>	
<b>Venezuela</b>	Se usa suficientemente el mecanismo de las Comunicaciones Judiciales directas. Por ej. Se ha utilizado con países como Cuba, España y USA, con el objetivo de solicitar información sobre la legislación de dichos países o garantizar el regreso seguro del NNA cuando se ha declarado el retorno

## 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

Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Cyprus, Denmark, Dominican Republic, Ecuador, Estonia, Georgia, Iceland, Jamaica, Latvia, Lithuania, Montenegro, New Zealand, Panama, Poland, Portugal, Singapore, Slovakia, Türkiye, Ukraine, United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay

Yes

Argentina, Australia, Belgium, Brazil, Canada, Costa Rica, Czech Republic, El Salvador, Finland, France, Germany, Honduras, Israel, Italy, Japan, Peru, Spain, Switzerland, United Kingdom (England and Wales), Venezuela

Please specify:

<b>Argentina</b>	On some occasions there are problems with the location of the children. Some countries ask for the exact location to start the case and many times the applicants do not have that information
<b>Australia</b>	<p>In some instances the ACA has experienced delayed responses, when requesting additional information or updates from other Central Authorities. This can create unnecessary obstacles in the management of cases.</p> <p>In some Contracting states, the provision or facilitation of legal aid and advice tends to protract cases as opposed to expediting the Hague application process.</p> <p>Some overseas Central Authorities are unable to provide information that our court requires, for example information about applicable laws or about entitlements for taking parents on return. The country profile does not always provide sufficient detail about the legal procedures in some countries.</p>
<b>Belgium</b>	Dans certains Etats parties il est presque impossible de localiser un enfant si le requérant ne dispose pas de l'adresse exacte de son lieu de résidence dans l'Etat requis.

<b>Brazil</b>	Regarding problems within Brazil related to the adequate performance of the duties of the Brazilian Central Authority, it is important to mention that, specially due to the vast territorial extension of our country, it has been challenging to discover the whereabouts of a child on a timely manner. This task is performed, in Brazil, by the Brazilian branch of Interpol, an unit at the Federal Department of Police that, unfortunately, counts with limited material and human resources. The Brazilian Central Authority is facing an important challenge regarding the development of the adequate environment and procedures to include transnational family mediation during the administrative phase of the cases. This BCA welcomes the share of experience and good practices from other States-Parties in this field. As mentioned above, the Brazilian Central Authority face, at some cases, difficulties on obtaining information related to the social background of the child from other State-Parties.
<b>Bulgaria</b>	
<b>Canada</b>	<p>Examples of practical difficulties encountered by Canada in outgoing cases include:</p> <ul style="list-style-type: none"> <li>- the repeated failure of some CAs to respond to requests for information or assistance for specific files,</li> <li>- certain requested States do not have effective means to locate children (art. 7a), - certain CAs provide only limited assistance to the left-behind parent seeking legal representation (art. 7g),</li> <li>- certain CAs provide only limited assistance to secure the safe return of a child following a return order (art. 7h),</li> <li>- in a current case, the prosecutor in the requested State has been resisting to initiate the court application for return despite the fact that all of the requirements of the Convention have been met on a prima facie basis (Article 7(i)).</li> <li>- in some instances, we have also encountered difficulties where a foreign CA insists on communicating only via diplomatic channels rather than directly from one CA to another, as contemplated by the Convention.</li> </ul>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	Interpretation of Article 12 and article 20. Once The Central Authority had to appeal a resolution of the judge because the interpretation of the article 12 was wrong regarding the term. And also, in article 20, the Family Court had to explain about the Refugee Convention and the conflict between the Hague Convention.
<b>Cyprus</b>	
<b>Czech Republic</b>	<p>Letter f) - Central Authority is not allowed to initiate or facilitate the judicial return proceedings, only the applicant has this competence.</p> <p>Also organising and securing the effective exercise of right of access during the return proceedings is a problem, because there is no effective legal instruments to ensuring the exercise of right of access in the Czech law at all.</p> <p>The Czech Republic raised the reservation according article 26 of the Convention. The applicants have to find their legal representatives on their own. When the applicant does not have any legal representative it causes delays in the proceedings, however, providing of free legal assistance is bound by strict conditions.</p>
<b>Denmark</b>	

<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	En atención a la colaboración referida en el literal "i" del art. 7 del Convenio, se ha verificado dificultades con otras autoridades centrales referidas a no proporcionar información sobre la aplicación del Convenio, solicitandose en reiteradas ocasiones sin obtener respuesta.
<b>Estonia</b>	
<b>Finland</b>	<p>In general, we are of the opinion that the cooperation between the Central Authorities is functioning well.</p> <p>In some cases there have been delays in receiving answers from the requested Central Authorities. It is very important for the applicants to receive information about the relevant legislation and about the return proceedings in the requested state, as well as more detailed information about the proceedings in their case, e.g. who is representing them in the court, whether they need to find a lawyer privately or whether the Central Authority is able to assist, about the scheduled hearings and decisions, about the provision of legal aid and about the enforcement of the return decisions. We consider it important that the Central Authorities are proactive and share information in all stages of the proceedings.</p>
<b>France</b>	Les délais de réponse de certaines autorités centrales sont assez longs et le contenu des informations communiquées, notamment sur le fonctionnement de la procédure de retour (différentes étapes, rôle exact de l'autorité centrale et des parties), sont parfois parcellaires. Certains Etats adhérents demandent encore un envoi postal pour prendre en compte la demande de manière officielle et lancer la procédure, facteur de perte de temps (jusqu'à plusieurs semaines). Enfin, certaines autorités centrales ne communiquent pas en anglais, ce qui suppose d'avoir un locuteur qui maîtrise leur langue dans l'autorité centrale requérante ou de recourir aux logiciels de traduction, avec les aléas que cela comporte. Enfin, certaines autorités centrales peuvent refuser d'apporter leur aide lorsque la juridiction a été saisie de la demande de retour directement par le parent requérant (article 29).
<b>Georgia</b>	
<b>Germany</b>	With respect to the initiation of return proceedings pursuant to Art. 7 (2) f) 1980 Convention, the time between forwarding the applications in outgoing cases to the respective CA and the actual start of court proceedings is still considerable, which may even lead to the expiration of the one year time limit as set out in Art. 12 1980 Convention.
<b>Honduras</b>	The main issue we have found is regarding the application of the Article 7 is specifically in it´s literal G both in the contracting parties as in our State regarding to the obtencion of judicial is the assistance including the attorney participation. With this we refferer to the legal representation to the applicants to an attorney in Courthouse
<b>Iceland</b>	
<b>Israel</b>	1) The ICA continues to experience signigicant communication difficulties with some Central Authorities. This includes failure to respond to communications in a timely manner or at all, failure to provide updates in cases in a timely matter or at all, continual changes in the personnel handling the cases, as a result of which significant delays are caused. Such cases have often necessitated intervention by the Ministry of Foreign Affairs, and on some occasions of the representative of the Hague Conference in the Regional Office for Latin America and the Caribbean. Such failures to communicate cause significant delays in the cases and can severely harm the left-behind parent's chances of success in a case.



	<p>2) In some Contracting States where a return order has been issued by the court, the requested Central Authority sees their role as ending with the issuing of the order, and as having no responsibility or involvement with respect to the enforcement of the return order, or at the very least monitoring the situation. There are difficulties in obtaining information with respect to the enforcement system/procedure, and the requesting Central Authority and left-behind parent are left to navigate the system in the other Contracting State with little to no direction vis-à-vis other authorities in that State with whom it is difficult to communicate. As a result, there have been a number of cases where the order for return has never been enforced. The position of the ICA is that the case does not end with the issuing of a Judgment for the return but rather with the execution of the Judgment (ie. the actual return of the child), and that even where under a Contracting State's system/legislation the execution is entrusted to other authorities, the Central Authority still has a duty to provide information concerning the execution process and to continue to remain involved in this sense until the order is executed.</p>
Italy	Only about art.7 (a), in some cases, as mentioned above
Jamaica	
Japan	<p>Some Contracting States were slow in their response in the communication, and required reminders from our side.</p> <p>Although almost all of the Contracting States accept communication in English, the Central Authorities of some States have very few staff member who are capable of communicating in English or French. This becomes an obstacle to achieve smooth communication and demands extra efforts on our part.</p>
Latvia	
Lithuania	
Montenegro	
New Zealand	
Panama	
Peru	When applicants do not indicate the address where the child and/or adolescent could be found, it is complicated because Interpol Peru does not have among its functions the location of children or adolescents who have been transferred by one of their parents.
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	Our state does not always receive the statement of law of a particular country
Spain	<p>In contracting parties:</p> <ul style="list-style-type: none"> <li>- Enforcement of return orders</li> <li>- Localization of minors</li> </ul>
Switzerland	Il est très difficile de collaborer de manière efficace avec une minorité des autorités centrales, surtout lorsque celles-ci refusent une collaboration directe par courriel ou téléphone et ont des délais de réponse extrêmement longs.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	ICACU There remains a concern about how some States Parties use Article 7(d). The courts in some States Parties appear to require a welfare report

	either pursuant to Article 7d) of the Convention (or under the 1996 Hague Convention) from child protection authorities in the requesting State as a matter of course, rather than the requests being tailored to the specific facts of the case. This impacts on the local authorities in England and Wales (in terms of cost and time), the reports are usually required urgently. Additionally, our local authorities' experience is more suited to issues of child protection. It can also lead to the 1980 Hague proceedings being delayed whilst these reports are obtained.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United States of America	
Uruguay	
Venezuela	La ubicación del niño, niña o adolescente. Bien como país requerido o como requirente. En la ejecución de las sentencias donde se declare el retorno, dado que la legislación venezolana no establece mecanismos de compulsión por parte de los cuerpos policiales, a la parte demandada a la entrega del NNA.

14. Has your Central Authority encountered any challenges with the application of **any of the 1980 Convention provisions**? If so, please specify.

No

Argentina, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Georgia, Iceland, Jamaica, Japan, Lithuania, Montenegro, New Zealand, Panama, Poland, Singapore, Slovakia, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (Scotland)

Yes

Australia, Belgium, Brazil, Canada, Costa Rica, El Salvador, France, Honduras, Israel, Italy, Latvia, Peru, Portugal, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United States of America, Uruguay, Venezuela

Please specify:

Argentina	
Australia	<p>In Secretary, NSW Department of Communities and Justice and Barnett [2021] FamCA 439, involving an incoming return request from Ireland, the issue in dispute was whether the father had rights of custody to satisfy jurisdictional facts.</p> <p>Difficulties obtaining a transcript of oral reasons for decision, supporting the father's rights of custody, resulted in significant complexity and delay.</p> <p>In future cases where oral reasons will be relevant to the determination of a Hague application it would be extremely helpful if Central Authorities would ensure that applicants take the necessary steps to obtain transcripts of the relevant oral decision at an early stage of proceedings.</p>
Belgium	<p>- Non application par l'Etat requis des articles 16 et 17.</p> <p>- Impossibilité d'obtenir une réponse de l'Autorité centrale requise (pas même un accusé de réception).</p>

	<ul style="list-style-type: none"> <li>- Aucune information n'est communiquée par certaines autorités centrales requises quant aux démarches entreprises.</li> <li>- Usage intempestif de l'article 27.</li> <li>- Interprétation large de l'article 13b.</li> <li>- Procédure exagérément longue et non limitation du nombre d'appels.</li> </ul>
<b>Brazil</b>	As Central Authority, our performance is limited. Although Central Authority is the first contact of the left behind parent, if have no agreement between parents, the return is decided by judges, without direct participation of Central Authority.
<b>Bulgaria</b>	
<b>Canada</b>	<ul style="list-style-type: none"> <li>- The extent of the duties of CAs under art. 21 of the Convention is unclear and the practice therefore varies greatly from one Contracting Party to another,</li> <li>- Some States send documentation in the original language without the translation required under art. 24,</li> <li>- Some States do not provide responses to art. 11 letters sent by requesting CAs,</li> </ul>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	When there is a refugee application.
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	<p>b) La solicitud de aplicación del Convenio (art. 8 del Convenio), cuando dicha solicitud carece de alguno de los requisitos señalados en el Convenio, se informa a las otras autoridades centrales sin que se obtenga respuesta al respecto. No pudiendo darle el tramite correspondiente.</p>
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	<p>Difficultés rencontrées dans la mise en œuvre de la Convention de 1980 en France (Etat requis) : En première instance, les procédures de retour sont généralement mises en œuvre dans le respect du délai de 6 semaines entre l'introduction de l'instance et la décision. Cependant, en cas d'appel de la décision, ce délai est dépassé et peut prendre plusieurs mois, en raison des délais d'audience et de procédure longs devant les cours (voir aussi la réponse à la question 7). Il peut également arriver que l'enquête en localisation du parent ravisseur et de l'enfant prenne du temps en fonction de la charge de travail des services d'enquête et / ou saisine de plusieurs parquets lorsque l'enfant est déplacé en plusieurs endroits du territoire national (voir aussi la réponse à la question 7).</p> <p>Difficultés constatées dans la mise en œuvre de la Convention de 1980 à l'étranger (France Etat requérant) : Il arrive régulièrement que les délais de localisation du parent ravisseur et de l'enfant soient importants, jusqu'à plusieurs mois. Certaines autorités centrales ont pu opposer un refus d'introduire la procédure de retour en l'absence d'adresse certaine du parent ravisseur, sans faire procéder à une enquête de localisation. Il arrive également que, confrontée à des délais de procédure longs, l'autorité centrale française sollicite une déclaration sur le fondement de l'article 11, et n'obtienne pas de réponse officielle. L'autorité centrale</p>

	française constate également que le retour de l'enfant est parfois refusé sur des considérations de fond sur la responsabilité parentale contrairement aux prévisions des articles 12 et 13, ou en considération du temps écoulé même si la procédure a été introduite avant le délai d'un an, retenu en tant que tel comme motif de non retour (cf réponse à la question 6).
<b>Georgia</b>	
<b>Germany</b>	Some Contracting States send decisions to the German Central Authority if they want a foreign decision to be formally served in Germany. From our point of view such a service of documents has to be effected through the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial documents in Civil or Commercial Matters or for EU Members States (except Denmark) through the regulation No 2020/1784 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. The 1980 Convention does not contain a legal basis for the formal service of decisions.
<b>Honduras</b>	The main issue we have is regarding the subsidiary application of the Procesal Civil Code and the no existence of a special law which may become more difficult the visit rights specially communication right of the parents with their children.
<b>Iceland</b>	
<b>Israel</b>	1) Article 27 - in two outgoing cases, the requested Central Authority rejected the applications for reasons that, in the view of Israel's Central Authority, were legal issues that should have been left to be addressed and decided by the courts of the requested State.
<b>Italy</b>	sometimes the information exchange is not too quick
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	On one occasion it was unclear to what extent the Hague 1980 Convention applies in matters involving refugees from Ukraine. The matter was clarified during HCCH roundtable Return and access applications concerning temporarily relocated children outside Ukraine with an accompanying parent" which took place remotely on 18 January 2023. "
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	When applicants do not indicate the domicile of the requested persons, especially when they are foreign migrants. insert text here
<b>Poland</b>	n/a
<b>Portugal</b>	The 6 weeks deadline, translations, the excessive rigor in the preparation of applications, namely the requirement for translations of the civil code
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	The Central Authority or delegated Central Authority would launch legal proceedings before court, a challenge will be in the opposing sides understanding of article 13 (b), considering the best interests of a child within the limitations of 1980 abduction convention, whereas the best interests principle is normally upheld in its broadest sense and may mitigate against return.
<b>Spain</b>	
<b>Switzerland</b>	
<b>Türkiye</b>	

Ukraine	
United Kingdom (England and Wales)	ICACU 1) The appeal process in some State Parties can be lengthy, which is contrary to the aims of the Convention, 2) A statement of reasons for the delay in obtaining a decision on the application is not always received from the requested Central Authority 3) Differing interpretation of rights of custody by State Parties can be an issue - for example, inchoate rights of custody are recognised in England and Wales but not in other jurisdictions.
United Kingdom (Northern Ireland)	obtaining updates for ongoing cases
United Kingdom (Scotland)	
United States of America	Because of our federal system, under which family law is governed by each state, the USCA is not able to provide applicants Article 15 letters. Applicants may be able to obtain Article 15 letters from a competent authority in the appropriate U.S. state. Alternatively, an attorney licensed to practice in the relevant state may be able to provide the court with the information it needs about state law regarding rights of child custody.
Uruguay	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.
Venezuela	1) Los elevados costos cobrados por concepto de representación o asistencia legal a la parte demandante de determinados países contratantes, por ej. los Estados Unidos de América, país con el cual Venezuela maneja una significativa cantidad de solicitudes de restitución y derechos de contacto como país requerido. 2) La ubicación de los NNA por parte de las autoridades extranjeras requeridas en un contexto de alta movilidad migratoria irregular por vía terrestre. 3) Casos no contemplados por el Convenio, como por ejemplo, cuando el progenitor o progenitora solicitante ha acordado con el progenitor(a) custodio(a) salir del territorio nacional hacia un segundo país por motivos laborales por determinado tiempo, con la promesa de retorno a Venezuela o pronta reunificación familiar en el país donde se encuentra trabajando, y entonces el padre o madre custodio(a) decide unilateralmente, sin el consentimiento del otro progenitor, emigrar a un tercer país, configurándose así la sustracción internacional del NNA.

## 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

Australia, Brazil, Bulgaria, Canada, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, France, Georgia, Iceland, Italy, Jamaica, Japan, Latvia, Lithuania, Montenegro, New Zealand, Panama, Peru, Poland, Portugal, Singapore, Slovakia, South Africa, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), Venezuela

Yes

Argentina, Belgium, Costa Rica, Cyprus, Czech Republic, Finland, Germany, Honduras, Israel, Spain, United Kingdom (England and Wales), Uruguay

Please specify:

<b>Argentina</b>	Legal representation in Argentina does not usually cause delays in the processing of the restitution claim under this jurisdiction
<b>Australia</b>	
<b>Belgium</b>	- Accès très limité à l'aide juridique dans certains Etats requis où le coût de la procédure et de la représentation par un avocat est très élevé. - Difficulté d'obtenir la collaboration d'avocats nationaux - une liste d'avocats est communiquée par l'Autorité centrale requise mais ces avocats refusent d'intervenir dans le cas d'espèce.
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	For incoming cases, the measures taken by Canadian CAs to assist parents seeking legal representation through legal aid or private counsel do not cause notable delays in the return process. There may be delays however, for example, where a parent is slow in making arrangements to hire a lawyer or in completing the proper forms and documentation to support their application for legal aid. There may also be some delays when the parties change counsel during the proceedings. Self-representation of one or both parties (sometimes because they do not qualify for legal aid and are unable to afford legal representation) may also lead to delays.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	In Costa Rica there is no delays Some cases takes longer because the complexity.. Sometimes with cases in Nicaragua, in which they are requested State, the communication between the left behind parent and legal representation is VERY complicated, sometimes it doesn't exists. And cases with USA as requested State, the communication and how the pro bono" legal representation works and handle the case are slow. I have a cases that was sent in September 2022 and the hearing was until March."
<b>Cyprus</b>	As all the incoming cases are represented to Courts free by lawyers from the Office of the Attorney General of the Republic, there is a certain delay due to heavy workload of these lawyers.
<b>Czech Republic</b>	When the applicant does not have any legal representative it causes delays in the proceedings, the applicant has to prepare and file the petition by himself or herself and also the delivery of writings from the court takes more time.
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	In Finland, the national legislation provides for a free legal aid to all applicants in incoming return cases without a means test. Hence, the provision of legal aid is not causing any delays in proceedings in Finland.  However, we have experienced challenges in cases where a return



	<p>application is sent from Finland to a requested state and the requested state cannot provide for legal aid without a means test and/or has problems in finding pro bono lawyers to represent the applicants. In some cases, finding a legal representation has taken a considerable amount of time and caused delays in the return proceedings.</p> <p>If the Central Authority does not represent or assist the applicant in the return proceedings, it is important that the Central Authority informs the applicant on how to apply for legal aid and/or how to find a lawyer.</p>
<b>France</b>	<p>En France, la demande de retour est généralement introduite par le procureur de la République qui saisit le juge sur le fondement de la protection de l'ordre public, en application des engagements internationaux de la France. Lorsque le procureur introduit la procédure, il n'est pas forcément nécessaire pour le requérant d'intervenir à l'instance et de trouver un avocat, ce qui facilite la mise en oeuvre rapide de la procédure. Il peut toutefois intervenir volontairement s'il le souhaite. La représentation n'est pas obligatoire en première instance mais l'est en cas d'appel ou de pourvoi en cassation. Si le requérant souhaite ou doit être représenté, il peut solliciter le bénéfice de l'aide juridictionnelle, sous conditions de ressources. De façon ponctuelle, il peut arriver que les délais de traitement des demandes d'aide juridictionnelle soient longs, ce qui peut conduire à un renvoi d'audience. Cela est dû soit à la remise tardive du formulaire de demande par le requérant, car celui-ci est en français et doit être rempli en français, de même que les documents attestant des ressources du requérant doivent être traduits (en France, l'aide juridictionnelle est soumise à des conditions de ressources), soit au délai de traitement par les bureaux compétents au sein des tribunaux. Toutefois, de façon générale, les demandes d'aide juridictionnelle sont traitées avec célérité et ne retardent pas la procédure de retour devant les juridictions françaises. L'autorité centrale française a parfois constaté dans d'autres Etats que la désignation d'un avocat à l'aide juridictionnelle pouvait être longue. Il convient de relever que dans l'Union Européenne, les demandes d'assistance judiciaire et juridique peuvent être transmises par l'intermédiaire des autorités désignées par la directive 2003/8/CE du Conseil du 27 janvier 2003 visant à améliorer l'accès à la justice dans les affaires transfrontalières. En France, cette autorité n'est pas la même que l'autorité centrale désignée pour l'application de la présente convention. Il s'agit du Service de l'accès au droit et à la justice et de l'aide aux victimes (SADJAV), avec lequel l'autorité centrale française en charge de la mise en oeuvre de la Convention de 1980 (DEDIPE) est en lien régulier.</p>
<b>Georgia</b>	
<b>Germany</b>	<p>Legal aid for incoming Hague return cases is subject to a means-and-merits test in Germany. The same court competent for Hague proceedings is also responsible for deciding whether legal aid will be granted. The application form and an instruction leaflet are available in German and English. Often, it takes significant time until the applicant has completed the form and submitted the necessary documentary evidence. This can subsequently lead to a delay of the application as a whole.</p> <p>As far as outgoing cases are concerned, delays sometimes occur in States where there is no State-funded legal aid system and thus an attorney needs to be found who is willing to work on a pro bono basis.</p> <p>In one Contracting State, the applicant will get legal aid only if he/she is entitled to legal aid in his or her State of habitual residence. This is disadvantageous for applicants residing, e.g., in Germany because even though their income might be too high for them to be entitled to legal aid</p>

	in Germany, they are unable to afford the much higher attorney's fees in that Contracting State.
<b>Honduras</b>	Particularly, in Honduras is needed the procesal representation by an attorney. Currently we do not have free legal services for representation by a legal representer before the Court. That is in our state. By the other hand in recent experiences the main challenges we had has been when we requiere the restitution of children who are in the United States is to found attorneys to take the cases of our citizen, even they gave a pro bono services, sometimes the cost is until \$2000 being too hard for our citizens who do not have that economic capacity to get a representer to elevate their cases a Courthouse.
<b>Iceland</b>	
<b>Israel</b>	<p>Israel, which has made the reservation to the third paragraph of Article 26, has a very swift procedure for facilitating the provision of legal aid, legal advice and representation. The ICA maintains a list of private attorneys who handle Hague Convention cases, divided by geographical area and with notation of foreign languages. This list is on the Central Authority's website and is being added to Israel's updated country profile.</p> <p>Where a foreign applicant is entitled to legal aid in his/her State, attorneys are appointed very quickly through the Legal Aid Office in Israel.</p> <p>However in outgoing cases, in some States there have been significant delays and obstacles in providing or facilitating provision of legal aid/legal representation for applicants from Israel. For example:</p> <ol style="list-style-type: none"> <li>1) some States have no system for legal aid for non-citizen applicants, and have no system for pro-bono representation. As such, applicant parents who cannot afford a private attorney are unable to pursue proceedings.</li> <li>2) in some States, while initial efforts may be made to find a pro bono attorney, applicants are then told to contact legal aid organizations on their own. This is very difficult for foreign applicants, who have often reported that their inquiries are not responded to. On some occasions the applicant has been unable to secure counsel and cannot pursue his/her case.</li> <li>3) some States have very complicated and lengthy procedures for requesting legal aid.</li> <li>4) where legal aid counsel has been secured but the applicant experiences difficulties in the representation, there have been difficulties and delays in obtaining information as to how to request alternate counsel.</li> <li>5) in some States that have not made the reservation to the third paragraph of Article 26 and the Central Authority or its agent is to initiate the proceedings, there have been significant delays in initiating the proceedings.</li> </ol>
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	The persons requesting for child return in Lithuania are eligible for free legal aid without examination of their financial situation and etc. It means that every person has the right to lodge to Central Authority (or State Guaranteed Liagl Aid Service) the application for free legal aid and this application is considered in 7 working days.
<b>Montenegro</b>	
<b>New Zealand</b>	On receipt of an application the NZ Central Authority considers the documentation and, if the requirements are met to make an application, the NZ Central Authority will engage counsel to assist the LBP. NZ Central

	Authority retains a panel of lawyers who have expertise in this area of law to prosecute the case on behalf of the LBP.
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	
<b>Spain</b>	US: delays in obtaining legal representation
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	<p>ICACU Incoming cases – ‘no’: the left behind parent, applying from outside England and Wales for the return of their child under the 1980 Hague Convention, is entitled to non-means and non-merits tested legal aid. When ICACU refers a new incoming return application to a specialist solicitor (legal adviser), it also provides a funding letter to be sent to the Legal Aid Agency (which authorises legal aid). The solicitor is then responsible for applying for a legal aid certificate, such application is usually dealt with on an urgent basis by the Legal Aid Agency, so there is not usually a delay in the left behind parent obtaining legal aid.</p> <p>Legal aid for the taking parent is subject to the normal means and merits test. If the taking parent provides their solicitor with the information required for the legal aid application and the parent is eligible on means, then there is usually no delay.</p> <p>Outgoing cases – ‘yes’: For applicants who live in England and Wales, delays in receiving legal aid from the requested State Party can occur, especially where the legal aid is not available automatically. There can also be additional delay when the applicant in England and Wales does not speak the language of the requested State Party.</p> <p>Some States Parties do not provide legal aid or representation for applicants or if they do then they require a substantial financial contribution and that is problematic.</p>
<b>United Kingdom (Northern Ireland)</b>	LSA issue legal aid certificates very quickly upon receipt of an emergency application
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	<p>Notwithstanding the United States’ reservation declaring that it is not bound to assume any of the costs referred to in Article 26, the USCA attempts to help applicants in finding counsel in the United States to represent them on a pro bono or reduced fee basis. The Department maintains an all-volunteer national attorney network called the Hague Convention Attorney Network (HCAN). Upon request from the applicant, the Department asks HCAN attorneys to consider representing applicants in Hague Abduction Convention return and access cases in the United States. To qualify for pro bono, reduced-fee, or full-fee legal assistance, applicants provide financial information to the USCA, however, HCAN attorneys may request additional information. Eligibility for pro bono or reduced-fee assistance is based on the U.S. poverty guidelines used by U.S. citizens seeking legal aid in civil cases.</p>

	<p>Once the Department identifies available and interested HCAN attorneys or legal assistance organizations in the jurisdiction where the child is located, the USCA provides the attorneys' contact information to the applicant through the foreign central authority. Applicants contact the attorney(s) to discuss the case and to determine whether the applicant will retain the attorney to file the Convention petition with the court. The USCA can arrange telephone translation services to facilitate the applicant and prospective attorney communication at no cost to applicants or attorneys.</p> <p>Although the USCA assists in identifying potential attorneys, it is up to the applicant to decide whether to retain the services of any identified attorney as well as the attorney to decide whether to represent the applicant. Use of this resource by applicants is voluntary. . The petition for return or access must be filed in the jurisdiction where the child is located. If a child is located in an area in which we have fewer HCAN attorneys there may be a delay in identifying available counsel.</p> <p>The USCA has observed delays between our sending the list of attorneys to the requesting central authority and the parent contacting the attorney(s) on the list. If requesting central authorities encounter such delays, the USCA is available to discuss ways to resolve them. These solutions may include, but are not limited to, providing telephone interpretation and confirming contact information for attorneys.</p>
<b>Uruguay</b>	<p>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.</p> <p>The Central Authority of Uruguay does not represent the applicant, maintaining neutrality during the process.</p> <p>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.</p> <p>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..</p>
<b>Venezuela</b>	<p>Cuando Venezuela es el país requerido, este aspecto no representa problema alguno que pueda demorar el procedimiento, ya que la representación o asistencia legal gratuita forma parte del procedimiento de restitución sin más formalidades que la de ser solicitada por el Juez que conoce del caso, cuando el o la solicitante no designa a priori representación legal privada, sin que éste o ésta tenga que justificar la tenencia o no de medios económicos propios. Cuando es requirente, la asistencia no incide en la demora el proceso, al contrario, prioriza la documentación requerida para la solicitud.</p>

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?**<sup>6</sup>

No

Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, Georgia, Iceland, Israel, Italy, Montenegro, Panama, Peru, Poland, Singapore, United Kingdom (Northern Ireland), Uruguay

Yes

Argentina, Australia, Belgium, Canada, Colombia, Costa Rica, Dominican Republic, France, Germany, Honduras, Jamaica, Japan, Latvia, Lithuania, New Zealand, Portugal, Slovakia, South Africa, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Scotland), Venezuela

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<sup>6</sup> 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](http://www.hcch.net) under “Child Abduction Section” then “Special Commission meetings”.

Please specify:

<b>Argentina</b>	<p>For countries that had made reservations over article 26, it is very difficult to find attorneys to provide legal counselling. Even though the legal aid is pro bono, sometime there are some expenses or administrative charges to cover, which result unaffordable for left behind parent in Argentina.</p> <p>Sometimes, translation issues arise.</p>
<b>Australia</b>	<p>The ACA notes that in some jurisdictions, there are significant delays for applicants seeking legal aid or pro bono representation. In some jurisdictions, eligibility for legal aid from the requested State cannot be determined until eligibility has been assessed in the applicant's requesting State. This can lead to delays and confusion particularly where notional eligibility for legal aid in the requesting jurisdiction may similarly be dependent on having been rejected in the requested jurisdiction resulting in a stand off situation.</p>
<b>Belgium</b>	Voir question 15
<b>Brazil</b>	<p>The State-Parties that have presented a reservation to the provision of legal aid and advice are a continuous challenge, because generally the left behind parent has financial and even linguistic difficulties in hiring a foreign attorney.</p> <p>Also, some countries have applied a strict interpretation regarding the period of validity of the travel authorization, understanding that the retention of the minor in the country after the expiry of the period does not constitute illicit subtraction.</p>
<b>Bulgaria</b>	
<b>Canada</b>	<p>For outgoing cases, some requested States provide very little or no information to assist parents in locating qualified legal counsel to represent them in a Hague application or take significant time to do so. Difficulties have arisen locating counsel in a specific geographic area or locating counsel having experience in the area of family law who is able to appear in the relevant court or who will accept to work pro bono or for a reduced-fee. Applicants should be aware that in some States pro bono does not necessarily mean free. Where a State does not provide legal aid or legal assistance at a reduced-fee left-behind parents may often be unable to file an application to Court for the return of their abducted children. In addition, the fact that some CAs provide little or no information about the court process can make it very difficult for left-behind parents to self-represent.</p>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	<p>Since the United States made a reservation to the Article 26 of the 1980 Hague Convention, the process to obtain legal aid, legal advice and representation in the United States results in delays in the proceedings. This, because the applicants can not file a case before a Court if they are not represented by an attorney.</p>
<b>Costa Rica</b>	<p>Usually, the BIG problem we have is Communication between the left behing parents and the legal representation.</p> <p>In Costa Rica, the figure of the procedural curator has been used for the legal representation of the applicants and the Judiciary pays the fees.</p>
<b>Cyprus</b>	



<b>Czech Republic</b>	Central Authority provides advice to both parents, it performs the role of guardian ad litem of the child in the return proceedings, however it does not provide the legal aid.
<b>Denmark</b>	
<b>Dominican Republic</b>	Our Central Authority has a team of lawyers who offer their services free of charge for the legal representation of parents who request the restitution of the minor person in cases where the Dominican Republic acts as the Requested State, this guarantees that the process, in the administrative stage, be done more quickly. However, a different situation occurs with other countries when we act as a Requesting State, in places where they do not have a team of lawyers and must provide legal advice through external lawyers, this causes delays in the process.
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	Compte tenu des différences de niveau de vie entre les Etats et des conditions de ressources fixées, certaines demandes d'aide juridictionnelle sont vouées à l'échec alors que les parents requérants n'ont pas les moyens de régler des honoraires d'avocat. Les honoraires d'avocats privés peuvent être particulièrement élevés dans certains Etats qui ne permettent par ailleurs pas toujours aux requérants étrangers de bénéficier de l'aide juridictionnelle. Certains pays peuvent orienter les requérants vers des avocats "pro bono" qui réclament finalement une rétribution. Certains Etats ont mis en avant la réserve française aux articles 26 et 42 de la Convention, qui stipule que les requérants étrangers sont éligibles à l'aide juridictionnelle dans les mêmes conditions que les requérants français, pour refuser toute aide juridictionnelle aux requérants français devant leurs juridictions, invoquant une absence de réciprocité. Ces situations se résolvent au cas par cas dans les demandes de retour. Plus généralement, la législation de certains Etats adhérent ne permet pas aux requérants de prétendre à l'aide juridictionnelle (article 7 g), le bénéfice de l'aide juridictionnelle étant réservée à leurs ressortissants en contrariété avec l'article 25 de la Convention. Des difficultés ont également pu être rencontrées lorsque l'avocat désigné au titre de l'assistance judiciaire à l'étranger et le requérant ne peuvent communiquer dans aucune langue commune, par exemple parce que le requérant ne maîtrise pas la langue anglaise.
<b>Georgia</b>	
<b>Germany</b>	In the vast majority of Contracting States the CA or other public institution do not represent the applicant in court proceedings. This makes it often more expensive and more difficult for the applicant to have his or her case heard in court because the applicant has to hire an attorney on his or her own.
<b>Honduras</b>	The main challenge we have is do not have free legal services for representation by a legal representer before the Court. That is in our state. By the other hand in recent experiences the main challenges we had has been when we requiere the restitution of children who are in the United States is to found attorneys to take the cases of our citizen, even they gave a pro bono services, sometimes the cost is until \$2000 being too hard for our citizens who do not have that economic capacity to get a representer to elevate their cases a Courthouse.
<b>Iceland</b>	
<b>Israel</b>	See question 15 above.
<b>Italy</b>	

<b>Jamaica</b>	<p>(1) The Applicants in Jamaica are having financial difficulties in accessing legal representation in the USA. The context of 'pro bono services' requires payment of over \$5,000 USD</p> <p>(2) Once the application is sent to the US Central Authority and it is assessed and deemed to be a Convention case, it is then sent to an external legal representative, the Applicant is left on their own to navigate the process on their own with the representative who take on their case.</p> <p>(3) Costs factor has caused a number of Applicants to vacate the process</p>
<b>Japan</b>	<p>In the requested States where the Central Authority or other organization commissioned by the Central Authority file a petition before the court on behalf of the applicant to realize the return of child, some Central Authorities made findings in regards to the matters which are supposed to be determined by the court, such as the grounds for refusal of return. This resulted in a refusal by the Central Authority to file the case before the court or to carry out its mandates under Article 7 of the 1980 Hague Convention.</p> <p>In a certain State, the Central Authority does not have a system to refer the applicants to lawyers. Therefore, the applicants have to find a lawyer without the assistance from the Central Authority of the requested State. It is often quite difficult for the applicant to seek in a foreign country a lawyer who is familiar with the 1980 Hague Convention cases. In addition, if there is no legal aid available to a person residing outside the State, an applicant with economic hardship would be unable to pursue the court process unless he/she finds an attorney willing to provide a pro bono representation.</p>
<b>Latvia</b>	In view of applicants there are certain challenges in obtaining legal aid in the Netherlands, the United States of America.
<b>Lithuania</b>	In some Countries the left behind parents have struggles to get the free legal aid for court proceeding. For example, the person receives the list of attorneys who declared that they agree to provide the free legal assistance but in fact after contacting them, the attorneys do not agree to represent the applicant for free, to take the case or the applicant is requested to pay for other litigation fees quite big amount of money.
<b>Montenegro</b>	
<b>New Zealand</b>	<p>For outgoing cases: there can be delay in communications regarding requests for information about the practice in the requested State. Particular if the country profile is not available or is not up to date. In some States there can be unexplained delay in obtaining the contact details of counsel or attorney who the LBP can engage.</p> <p>For incoming cases: if cases are not complete or additional information is sought there can be lengthy delay in receipt of the information requested.</p> <p>In some cases there has been delay in transmitting the application and supporting document by the requesting central authority without explanation. If the delay is significant updating evidence may be required creating unnecessary obstacles to case progression.</p>
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	The creation of specialised courts and the training of specialised professionals (including lawyers)
<b>Singapore</b>	

<b>Slovakia</b>	Free legal aid in return / access cases is in Slovak Republic provided in compliance with Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes and Act No. 327/2005 Coll. on Granting of Legal Aid to Persons in Material Hardship only if applied for and only to natural person domiciled or habitually resident in the territory of a Member State of the European Union (if he / shee meets given conditions).
<b>South Africa</b>	<p>South Africa has no reservations on costs and proceeds with legal application and mediation at states cost. Legislation also provides for children to be legally represented in all Hague matters - experts are considered when children are very young</p> <p>First world countries does not provide legal assistance at state cost to applicants from third world countries, making it impossible for such applicants to access the relief in terms of the convention.</p>
<b>Spain</b>	Germany: excessive paperwork and requirements causes delays
<b>Switzerland</b>	Les requérants résidant en Suisse ne peuvent souvent pas profiter de l'assistance judiciaire gratuite à l'étranger dans des États ayant émis une réserve à la gratuité selon l'art. 26, même lorsqu'en Suisse ils sont au bénéfice de l'assistance sociale. Cela est dû au fait que certains États ne tiennent pas compte du coût de la vie en Suisse. De ce fait, cela nous arrive régulièrement qu'un requérant renonce à introduire une requête en vue du retour dans ces États.
<b>Türkiye</b>	<p>- In some countries, separate applications for legal aid are required at the first instance and at the appeal stage. If the case is denied, the applicant who received legal aid in the first instance court must apply for it again while applying for appeal. The fact that the case was rejected in the first instance constitutes a reason for the refusal of the application for legal aid made at the appeal stage, on the basis that the prospects of the case's is low.</p> <p>- Due to the pro-bono in some countries, the process of retaining an attorney to represent the applicant takes quite a long time.</p> <p>- Some states do not provide legal aid to foreigners.</p>
<b>Ukraine</b>	<p>If an applicant resides in a State having made reservations to Articles 26, 42 of the Convention the Ministry of Justice of Ukraine as the CA of Ukraine on the principle of reciprocity does not provide the applicant with the legal representation in courts and other authorities of Ukraine or in case the applicant have already has the attorney in Ukraine. The applicant may search the attorney via Internet or to find contacts of attorneys on the Unified Register of Attorneys of Ukraine at the link:  <a href="https://erau.unba.org.ua/">https://erau.unba.org.ua/</a>.</p> <p>As the CA we are aware that rarely the applicants from abroad had problems with search of a private attorney.</p> <p>It is not foreseen by the legislation of Ukraine the covering of any costs in regard with the proceedings of return application in Ukraine by the Central Authority. In some cases the applicants informed that they could not longer pay for the private attorney and required either free legal aid or representation of the CA (in case the origin the State which did not made reservations to Article 26, 42).</p> <p>As regard the applicants from Ukraine rarely they claimed that the contact with the appointed attorney was established for a long period of time (for example USA).</p>

United Kingdom (England and Wales)	<p>ICACU</p> <p>Please see response to Q15.</p> <p>Yes - Incoming cases, the means/merits test for taking parents for return applications in England and Wales can lead to problems in obtaining legal representation for some respondents. They can either i) pay privately, ii) act as a litigant in person or iii) find pro bono representation.</p> <p>The difference in the availability of legal aid for left behind and taking parents reflects their circumstances in a child abduction case where prima facie the child has been wrongfully removed or retained away from their country of habitual residence and the left behind parent is seeking the child's return.</p> <p>Taking parents can instruct specialist solicitors but will need to pay privately or be financially eligible for legal aid. Details of these firms are provided to the taking parent when they are served with the return application and are also available on the government website at <a href="https://www.gov.uk/find-legal-advice">https://www.gov.uk/find-legal-advice</a></p> <p>A Duty Advocates Scheme has been introduced by CALA (Child Abduction Lawyers Association) – a body of specialist child abduction lawyers. The scheme was introduced in 2022 and offers some assistance on a pro bono basis limited to the hearings.</p> <p>Outgoing cases - see response to Q15 (above) – proceedings are sometimes delayed where legal aid is not automatically available and a legal aid application has to be made, some applicants experience difficulty in finding their own lawyer (due to language barriers etc) even where a list is provided by the requested State Party.</p>
United Kingdom (Northern Ireland)	CA are not involved, Legal Aid matters are dealt with by the appointed solicitor.
United Kingdom (Scotland)	Issue with legal representation under legal aid in some countries
United States of America	Please see response to Question 15.
Uruguay	
Venezuela	Los costos excesivos de la representación jurídica en los EE.UU, si bien reducen los costos, aun sigue siendo costoso el proceso de asesoría.

## 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

Bulgaria, China (Hong Kong SAR), China (Macao SAR), Denmark, Georgia, Jamaica, Lithuania, Montenegro, New Zealand, Poland, Singapore, Slovakia, Spain, United Kingdom (Northern Ireland)

Yes

Argentina, Australia, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Honduras, Iceland, Israel, Italy, Japan, Latvia, Panama, Peru, Portugal, South Africa, Switzerland, Türkiye, Ukraine,

United Kingdom (England and Wales), United Kingdom (Scotland), United States of America, Uruguay, Venezuela

Please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:

<b>Argentina</b>	In some jurisdictions, until the location of the children and/or adolescents is confirmed, the process cannot be initiated, which results in excessive delays. Some foreign States don't have the means for locating children
<b>Australia</b>	<p>The ACA has encountered challenges locating children who have been moved by their parent within the Schengen Area as well as in some other jurisdictions. In instances where a child is unable to be located Australia seeks international assistance through Interpol or from partner law enforcement agencies.</p> <p>The ACA has sometimes encountered issues with seeking a Yellow notice or EU notice where required.</p> <p>The ACA has a number of information sharing agreements with other government agencies within Australia to assist in locating the taking parent and child(ren). These agreements, with the agencies responsible for immigration and social security matters, stipulate the circumstances and type of information that may be requested and provided.</p> <p>Australian courts can order the provision of information from persons or agencies that are believed to know the location of the taking parent and the child(ren).</p> <p>In some instances, albeit rarely, private investigators have been used to locate respondents and children. In one outgoing case, the overseas central authority requested that the applicant parent provide further information regarding the location of the the respondent. The authority requested that the applicant try contacting the respondent to ascertain their whereabouts before the authority would conduct further searches. This was concerning because the applicant had an Apprehended Violence Order in place against them that prohibited them from contacting the respondent.</p>
<b>Belgium</b>	<p>- Dans certains Etats parties il est presque impossible d'obtenir la localisation d'un enfant si le demandeur ne dispose pas de l'adresse exacte.</p> <p>- En tant qu'Etat requis, il nous est parfois difficile de localiser un enfant s'il n'est pas inscrit au registre de la population (ni à l'office des étrangers) et qu'il ne fréquente pas d'établissement scolaire.</p>
<b>Brazil</b>	The main challenge is the vastness of the Brazilian territory, so the abductor may try to hide in places quite distant from urban centers. Another point is the possibility of a sudden change of location when the abductor has news that procedures for the child's return have been initiated.
<b>Bulgaria</b>	
<b>Canada</b>	Canada has encountered challenges with locating children, especially in outgoing cases. Some CAs have no means of locating children and have not created the necessary domestic linkages with law enforcement officials or other authorities who may be of assistance in locating children. In some instances as well, some authorities do not seem to make the necessary follow-ups despite the information transmitted. As a requested State, Canada relies heavily on good linkages with other domestic authorities who are in a position to facilitate or investigate the

	whereabouts of children who are subjects of incoming 1980 Convention applications. In some cases, a child can nevertheless be difficult to locate (e.g. when there are no government record for the child and taking parent).
<b>Chile</b>	Locating the child is perhaps the most difficult stage in Hague proceedings. Irregular migration to and from Chile has increased significantly over the past 5 years, which has led to many abducted children being basically impossible to trace, because there is no record of their entering the country, and public health, education and migration records are delayed, due to an increase in requests. This issue also affects our outgoing cases: many migrants (especially from Haiti) are leaving Chile via irregular border crossings, which means there is no record of their leaving, no information regarding their whereabouts, etc. The Chilean Central Authority does not reject cases based on a lack of information regarding the child's whereabouts (as other countries do), but there is obviously a delay in these cases, as the first step must be to find the child.
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	The Peruvian Central Authority states that they can not search for non-peruvian children, this in opposition of the a) of the Article 7 of the 1980 Hague Convention.
<b>Costa Rica</b>	If we don't have the address, is harder to localize them and the judicial system is slow, when they need to find the minor and taking parent. Also, as petitioners, the other Central Authorities or States, doesn't have a system to try to localize them..
<b>Cyprus</b>	When children are removed / retained at the areas not under the effective control of the Republic of Cyprus (occupied by Turkey since 1974), the CA of Cyprus cannot apply the Convention and forward any incoming request.
<b>Czech Republic</b>	If the parent does not know where the child is and the child is not registered in the Czech Republic, there is little chance to find the child. The parent has to cooperate with the police and to report the child as missing.
<b>Denmark</b>	
<b>Dominican Republic</b>	On some occasions when the Dominican Central Authority acts as the Requested State, we have not received enough information or data that must be provided by the requesting parents or the Central Authority of the Requesting State, this makes it quite difficult to locate people in our country. who have been indicated in the received case, In these situations, we have the support of the local investigative authorities to find the minor person and their companion, and we also request the support of our immigration authorities to confirm the presence of these persons in our country. In another sense, when we act as a Requesting Central Authority, we also sometimes have difficulties locating people abroad, this is because in some countries they do not have the support of their local authorities to try to locate people in their territories, and They are only limited to investigating by making calls or sending letters to the addresses that we must provide them.
<b>Ecuador</b>	Little information provided y the petitioner for the location of the children.
<b>El Salvador</b>	a) La localización de la niña, niño o adolescente (NNA) (art. 7 literal "a" del Convenio) que ha sido trasladado o retenido ilícitamente, cuando no se hace efectiva dicha localización en la dirección que se ha proporcionado, lo que deriva en solicitudes de apoyo para la localización en otras autoridades, tales como la INTERPOL. Consistuyéndose en un desafío cuando no se logra por parte de la INTERPOL ni de otras autoridades la localización del NNA que impide el inicio del proceso correspondiente. No pudiendo informar sobre avances formales de la tramitación del caso actuando como estado requerido.



<b>Estonia</b>	As a requesting state, in a couple cases we have not been able to determine the country to which start the return proceedings with. We have been communicating with the CA-s of the countries of probable location of the child and asking information about possible border crossings.
<b>Finland</b>	In some cases, if the taking parent has been hiding with the child, there have been difficulties in locating the child. In those cases, the cooperation between the different authorities (police etc.) is very important.
<b>France</b>	<p>Que ce soit en France ou dans certains Etats contractants, les moyens d'investigation disponibles sur le plan civil ont pu s'avérer insuffisants.</p> <p>En France, en cas de difficulté pour localiser un parent ravisseur qui chercherait à dissimuler son adresse, et en cas de nécessité, les représentants du ministère public décident parfois d'ouvrir une enquête pénale du chef de "soustraction d'enfant de son lieu de résidence habituel par ascendant" afin de pouvoir recourir à des moyens d'investigation plus poussés (géolocalisation, vérifications domiciliaires, garde-à-vue en cas de contrôle du parent) pour localiser et entendre le parent ravisseur. Cela permet également l'inscription de l'enfant au "Fichier des personnes recherchées" (FPR) et au "système d'information Schengen" (SIS). Ces moyens d'investigation s'avèrent généralement efficaces, mais leur mise en œuvre peut prendre du temps. En effet, les services de police requis pour ces enquêtes sont également chargés d'enquêtes pénales parfois complexes et peuvent se trouver en difficulté pour mener les investigations de localisation dans un temps court. Par ailleurs, cette démarche a pu poser d'autres difficultés puisque l'existence d'une procédure pénale à l'encontre du parent ravisseur a pu être invoquée au titre du « risque grave » de l'article 13,b. L'Autorité Centrale française peut également saisir les services de la Direction Générale de l'Enseignement Scolaire (DGESCO) du ministère de l'éducation nationale pour vérifier l'inscription de l'enfant dans un établissement scolaire en France.</p> <p>S'agissant des procédures dans lesquelles l'autorité centrale française requiert des autorités étrangères, il a été constaté que certaines procédures ne sont pas portées devant les juridictions ou le sont des mois après la saisine en raison des difficultés de localisation du parent ravisseur et de l'enfant. Dans ces dossiers, il est parfois difficile d'être informé des opérations de recherche en cours et de la nature des difficultés rencontrées.</p>
<b>Georgia</b>	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.
<b>Germany</b>	In some Contracting States it may take a long time to locate a child if there are no criminal proceedings pending at the same time. Sometimes the institution of criminal proceedings helps because it makes other police and criminal instruments and methods available for locating a child. Later on, however, criminal proceedings against the abducting parent in the requesting State might lead to a refusal to return the child because of an Article 13 exception. They may also be an obstacle to amicable settlements.
<b>Honduras</b>	In this case the main challenge is that the applicants just give us the name of the city where the children are located, without giving a exact address because they are unable to provide more information because either the father or the mother sustractor of the kids block every tipe of

	communication between the applicant, difficulting or making almost impossible to get exact information regarding location.
<b>Iceland</b>	Not in general, but there have been cases that it was impossible to locate the abducting parent and child.
<b>Israel</b>	<p>As a requested State, Israel has taken many steps to ensure the most expeditious and effective measures for locating children, when necessary. State Attorney Guidelines were established many years ago, and a special liaison officer in the Israel Police was appointed, to streamline and expedite the procedures for locating children. In difficult cases, the ICA works in close coordination with the police liaison officer to ensure that all investigative methods are being utilized. In one particularly difficult case after a court order for the return of the child, the taking parent, with the assistance of unknown factions, placed the child in hiding and despite intensive and extensive investigative efforts, the Israel Police were unable to locate the child. The mother was criminally prosecuted, convicted and imprisoned as a result. The ICA also works closely with Interpol in order to locate abducted children.</p> <p>In certain circumstances, the police have also been able to assist in locating children abducted to other countries through internal investigative activities and through the issuances of Yellow And Blue Notices through Interpol.</p> <p>As a requesting State, the ICA's experience in outgoing cases is that in some States there are significant delays in locating the child, without any adequate explanation from the requested Central Authorities. This occurs even in cases where the application provides an exact address where the child is known to be, or a local phone number used by the taking parent, which should be able to be traced. It is unknown whether the problem is as a result of lack of action by the Central Authority or the authority responsible for locating the child, lack of coordination with the relevant authorities in the requested State or otherwise, or because the matter is being handled in a civil and not a criminal context. It seems that child abduction cases are not given sufficient priority by the relevant authorities in those states. As a result, there are significant delays in instituting legal proceedings for the return of the child, sometimes beyond a year, therefore affording the taking parent with a claim that the child has already settled in his/her new environment. Such problems are systemic.</p>
<b>Italy</b>	Researches not effective nor quick
<b>Jamaica</b>	
<b>Japan</b>	<p>JCA has been able to locate the child in almost all cases once we confirm that the child is in Japan. There have been a few cases where the child was obviously not in Japan, and JCA faced some difficulties in identifying where the child was.</p> <p>For outgoing cases, some Central Authorities take a quite long time to locate the child. There are a few cases where the child is still not located after one-year period. In such a situation, locating the child becomes a challenge unless the applicant already has a good idea of the whereabouts of the child.</p>
<b>Latvia</b>	In one particular case it was challenging to locate the children as the Respondent was travelling between neighboring countries in order to avoid and delay the proceedings. Police search was also dead end.
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	

<b>Panama</b>	By means of the Executive Decree 222 that regulates the application of the Law 22 10 December 1993, determines how to better proceed with the Convection by providing all the tools to request and receive the assistance from our security bodies, however as a requesting State, it is understood that not all Central Authorities have the capability to request such assistance.
<b>Peru</b>	Applicants will have to provide the address where the child is to be found because we do not have the support of Interpol.
<b>Poland</b>	n/a
<b>Portugal</b>	Improved cooperation with the Portuguese Police
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	Incorrect addresses where provided and there have been instances where the abudctor has moved away from that address to another province. Interpol the police were informed. The police also assisted with the location of children in limited matters.
<b>Spain</b>	
<b>Switzerland</b>	<p>En tant qu'État requis, la localisation peut se révéler difficile lorsque trop peu d'éléments sont fournis par la personne requérante sur le lieu où l'enfant pourrait se trouver.</p> <p>En tant qu'État requérant, nous avons remarqué que dans certains États contractants les efforts entrepris par l'autorité centrale ou les autorités chargées de la localisation ne sont pas suffisants, et que la collaboration entre l'autorité centrale et la police n'est pas efficace.</p>
<b>Türkiye</b>	<p>According to the article 7 (a) of the Convention Central Authorities are obliged to take appropriate steps to locate the child. On the other hand, the requesting Central Authority has an obligation to provide all relevant information concerning the child.</p> <p>The requesting central authority is reliant on the information provided by the applicant.</p> <p>ID or passport numbers of the abductor parent and the child are vital important in order to check the border records to find out whether the child has entered the country.</p> <p>Information about the child's location, particularly where and with whom the child is living or potentially hiding, is also useful in locating the child. If this is not possible, locating the child may take a long period.</p>
<b>Ukraine</b>	Due to war in Ukraine launched by russia many people in Ukraine relocated within the territory of Ukraine. As the requested State, we could point the existence of the challenges with locating the child while he /she could stay on the occupied territories/or on the part of Ukraine where hostilities taking place or the child was relocated to another region without registration. In case there is no information about the child in the Unified Information Database on Internally Displaced Persons, it could be problematic to locate the child. As the requesting State, we also could mention than in some cases the applicants – left behind parents faced with the issue of locating the child in other state. Sometimes the applicant doesn't know the state to which the child was relocated and his/her presumable whereabouts. As during first days from the start of the russian invasion in February, 2022, there were sometimes difficulties with fixation of crossing the State Border of Ukraine, in certain cases an information about the crossing the State Border is not available or shows only the first point of destination, usually it is Poland or Slovakia. In some cases the

	mother with the child moved to another State of EU and their location could not be established fast and easily, or without success. As the CA we communicate with the National Police of Ukraine in order to facilitate their search within the territory of Ukraine or abroad.
<b>United Kingdom (England and Wales)</b>	In incoming cases, the application for a return order can be issued without the precise whereabouts of the child being known, provided it is believed that the child is in the jurisdiction. The Court has broad powers to make orders to assist in locating the child including requiring the disclosure of information from government agencies and other third parties and obtaining the assistance of the Police, which have been shown to be effective in addressing any difficulties in locating the child's location.  For outgoing cases some States Parties need a location.
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	Requested State - Unable to locate abducting parent and child, abducting parent relations knew where they were but would not divulge information. Court order obtained for them to provide the details of the child's whereabouts. Child located and returned to country of habitual residence.
<b>United States of America</b>	In the vast majority of cases, the USCA is able to quickly locate missing children in the United States, in cases where children have been removed from the United States, there are several countries who have not been able to locate the subject child(ren) in a timely manner.
<b>Uruguay</b>	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.
<b>Venezuela</b>	Venezuela por tener extensas fronteras terrestres, aunado a un alto flujo migratorio venezolano, dificulta la ubicación de los NNA, sea en el territorio venezolano o en el extranjero. Sin embargo, el desafío se presenta con la migración realizada vía terrestre, que por su configuración geográfica, algunos espacios dificulta su control migratorio. No obstante, se han adoptado controles para reforzar dicho desafío, como la validación de autorizaciones de viajes expedidas por las autoridades competentes.

### 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:

<b>Argentina</b>	When it is requested by the left behind parent, the Central Authority offers a meeting space where the parties are encouraged to try to reach for a voluntary agreement.
<b>Australia</b>	The ACA encourages voluntary agreement by encouraging parties to participate in mediation where appropriate. In such instances, the ACA can offer international family mediation, through a funded non government agency, or through the courts, for the purpose of reaching an amicable resolution.

	<p>As previously above, the Federal Circuit and Family Court of Australia has recently introduced a new procedure involving convening a Court based Family Dispute Resolution (FDR) Conference with a Registrar of the Court's Dispute Resolution Service in all 1980 Convention matters. This is an ADR process that takes place in 3 parts, is run by an experienced Family Law mediator, and attempts to resolve or narrow the issues in both the Convention matter and substantive parenting issues.</p> <p>A Judge led mediation has recently been offered by the Family Court of Western Australia.</p> <p>In initial correspondence with respondents, it is often expressly noted that a voluntary return is available to avoid the proceedings and some respondents take the opportunity to voluntarily return the child back to the country of habitual residence.</p>
<b>Belgium</b>	Par l'intermédiaire du ministère public, le service de police localise le parent et l'enfant. Le parent qui se trouve en Belgique est entendu et informé de la procédure introduite. A cette occasion, il est invité à ramener l'enfant dans l'Etat d'origine et, à défaut, à exposer les raisons de son refus.
<b>Brazil</b>	When we communicate with the TP about the request for international cooperation, we inform them of the benefits that mediation can bring. Additionally, we explain the complexities of the judicial case, as they arise.
<b>Bulgaria</b>	Bulgarian competent Social Service, before Court proceeding is started, talk personally with the parent who abducted the child and ask and encouraged him/her to return voluntary the child or amicable agreement to be reached.
<b>Canada</b>	In Canada, provincial and territorial CAs can take a variety of approaches to encourage a voluntary return. With the consent of the left behind parent, most CAs contact the taking parent or their lawyer, either by letter or by telephone, to discuss or encourage a voluntary return. Some CAs refer the parents to free mediation services.
<b>Chile</b>	Hague applications are immediately presented in court (there is no prior mediation/amicable resolution), partly due to the issues with locating children, specified in question 17. However, once the application is served and a hearing is scheduled, the first step in the court proceedings is a meeting with the court's Technical Advisor, in order to see if an amicable resolution is possible. The Technical Advisor is a psychologist or social worker who works with the court, in order to reach alternative solutions to family conflicts. In this stage, the Central Authority (who directly represents the applicant in Hague cases) offers every possible option for an amicable solution.
<b>China (Hong Kong SAR)</b>	We will meet with/write to the abducting parent to persuade him/her to return the child voluntarily. In particular, we will explain clearly to him/her that the return of the child does not mean the granting of rights of custody to the left behind parent and that the issues concerning such rights and the welfare of the child will have to be decided by the courts of the habitual residence. We will also encourage the parties to communicate with each other directly to resolve the disputes among themselves and remind them of the adverse impact of court proceedings on the child.
<b>China (Macao SAR)</b>	When the Central Authority of the Macao SAR receives a request for the return of the child, its professional social workers will, according to the internal process guidance, get into contact with the persons concerned and attempt to achieve the voluntary return of the child.
<b>Colombia</b>	In Colombia at the Administrative Phase the Administrative Authority summon the alleged abductor parent to a hearing in order to try a

	voluntary return. On the Judicial Phase, the Judge also tries to reach an agreement between the parties.
<b>Costa Rica</b>	How we do it in Costa Rica is like this: If we have a phone number in the application, we call the taking parent and schedule a meeting by Teams / Whatsapp or at the Office. If we only have an address, we coordinate with the Local Offices of PANI, and they go to the location and takes the amicable resolution.
<b>Cyprus</b>	<p>Mediation is not currently offered by the CA.</p> <p>The Law providing for Mediation in Family Disputes (L 62(I)/2019) was voted in Cyprus in April 2019. This law is expected to contribute substantially to consensual approaches, and to reducing conflicts in cases of domestic disputes, improving communication between family members, fully guaranteeing the rights of children, as well as lightening the load for the justice system, since it is an extrajudicial mechanism for solving domestic disputes.</p> <p>In accordance with the provisions of the law, the Ministry of Justice and Public Order, has prepared Regulations, which determine: (a) the cost of registering on the Family Disputes Mediators Register, (b) the pay for a mediator for carrying out mediation and (c) special training that is required in order to register on the Family Disputes Mediators Register.</p> <p>These Regulations were approved by the House of Representatives in December 2022, and since then, the Ministry of Justice has undertaken to create and maintain a Family Disputes Mediators Register. However, this is expected to be made possible when, and provided that Parliament votes on a relevant amendment which has been drawn up in order to determine and improve certain issues in the law which regard the preconditions for Mediators to register. Essentially, passing the amending law in question will allow for an immediate activation of the provisions of the Law on Mediation in Family Disputes, and will accelerate the functioning of the institution of family mediation in Cyprus.</p>
<b>Czech Republic</b>	Central Authority recommends mediation provided by a cooperating NGO. Central Authority by itself offers facilitated interviews" - an interview with (mostly) both parents in that information about the substance of child abduction and return proceedings are provided and the parents are led to an amicable solution. "
<b>Denmark</b>	The Central Authority forwards the application to the competent court as soon as all the information is completed. The court will then attempt to secure a voluntary return of the child.
<b>Dominican Republic</b>	The Dominican Central Authority always prioritizes the efforts to obtain the voluntary resolution of the minor. To achieve this, we hold a meeting with the adult who is being identified as the author of the act, with the aim of explaining the reasons for the accusation against him, and we warn him of the consequences thereof. We write a letter to record the intention of the person of legal age and their reasons, we share this letter with the Central Authority of the Requesting State so that they can deliver it to the requesting parent to find out if they agree with the friendly return proposal of the younger person. In addition, the Dominican Central Authority supports the immigration procedures for the minor to leave the country to guarantee their quick return to their place of habitual residence.
<b>Ecuador</b>	Within the trial hearing, a conciliation stage is established.
<b>El Salvador</b>	A fin de garantizar la restitución voluntaria de la niña, niño o adolescente (NNA) o facilitar una solución amigable, en sede administrativa (Procuraduría General de la República) una vez localizado el NNA, se cita por una sola vez a la persona que ha sustraído o retenido al NNA, con el



	<p>objeto de procurar la restitución voluntaria o facilitar una solución amigable, informando detalladamente el objeto de la cita, el funcionamiento practivo del Convenio, el tramite a seguir (en caso de que proceda el tramite judicial) y las implicaciones de los hechos objeto del Convenio procurando una asesoría integral al caso.</p>
<b>Estonia</b>	<p>We co-operate with the local child-protection services and our social insurance security.</p>
<b>Finland</b>	<p>Once the Finnish Central Authority receives a new return application, it is sent without delay to a lawyer who represents the applicant in the case. The lawyer, as the first step, contacts the taking parent and inquires for/negotiates the possiblity for a voluntary return. The lawyer can also assist if the parents wish to negotiate an agreement.</p>
<b>France</b>	<p>France Etat requérant : L'autorité centrale informe le parent requérant, et le cas échéant son avocat, qu'elle tient à sa disposition une liste de médiateurs familiaux spécialement formés aux dossiers transfrontière.</p> <p>France Etat requis : Lorsque les coordonnées du parent ravisseur sont connues, l'autorité centrale sollicite du parent ravisseur des explications sur la situation par courriel ou courrier et l'invite à ramener l'enfant dans l'Etat de sa résidence habituelle avec une fiche d'information sur la médiation familiale. Lorsque le parent ravisseur est entendu par les forces de l'ordre, les mêmes éléments sont portés à sa connaissance pour la recherche d'une solution amiable. Les parquets spécialement compétents sont également destinataires de cette information lors de leur saisine par l'autorité centrale, et encouragés à mettre en place des mesures de médiation à tout stade de la procédure. Le juge aux affaires familiales saisi de la demande de retour encourage vivement le recours à la médiation entre la date de l'audience et le délibéré (vu à Paris notamment).</p>
<b>Georgia</b>	<p>In order to ensure the prompt and effective resolution of the dispute, before submitting the case file to the competent court, the Central Authority of Georgia actively encourages parties to reach an agreement without using judicial proceedings. Apart from the official communication means, the Central Authority contacts the parties either by phone and/or email in order to quicken the process and proposes a meeting (when the party/parties are in Georgia) within 4-5 days after receiving 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, 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.</p>
<b>Germany</b>	<p>In the context of Art. 7 (2) (c) of the 1980 Convention and Art. 25 Brussels IIb Regulation, mediation is offered by the German Central Authority to applicants on a regular basis. If applicant and respondent both show an interest in mediation, the German Central Authority is supported by third party mediators and cooperates closely with MiKK e.V., a non profit organization (see also 19.), that helps to facilitate the mediation. The German Central Authority liaises directly with the competent court in 1980 Hague Convention proceedings in order to ensure that no undue delay is caused by mediation and that the results achieved can be incorporated directly into the court order where appropriate.</p>

	Furthermore a letter asking for a voluntary return is sent to the taking parent, where desired by the left behind parent.
<b>Honduras</b>	The Central Authority through the Directorate of Childhood, Adolescence and Family DINAF locate and present directly to the address where the sustractor parent is, indicating the legal fundamentation based on the Convention and the possibilites of a voluntary return, amicable solution or continuation of the process in the Courthouse, if the sustractor parent decides a conciliation, they write an document where they record the aspects to conciliate by the sustractor parent side in order to being remited through the DINAF to the correspondent Central Authority and transmit to left behind parent.
<b>Iceland</b>	When the Icelandic CA receives an application for return of a child from Iceland the Icelandic CA generally contacts the abducting parent in writing. The abducting parent is informed about the 1980 Convention and the duty of the CA to take appropriate measures to secure the voluntary return of the child or to bring about an amicable resolution of the issues. The abductive parent is given a few days to respond. If voluntary return is not an option return cases are forwarded to an attorney for the applicant who brings the case before the court in Iceland. In those cases there is not an obligation to undergo mediation. There is however a possibility, if both parties agree, to ask for mediation at the District Commissioner based on the Act on Civil Procedure No. 91/1991. The mediation can start before the case is brought to the court or when the case is ongoing. According to the Act the judge can refer the case to the District Commissioner if the judge believes there is a possibility to reach a settlement and does not lead to unnecessary delays in the case. The parties can also refer their case to the District Commissioner themselves without the judge.
<b>Israel</b>	In appropriate cases, the Central Authority will write to the taking parents to inquire as to the possibility of a voluntary resolution.
<b>Italy</b>	Italian CA is involved in a project of training for international family mediators, whose number is insufficient. Voluntary returns are currently encouraged, in most cases, by Police units specialised in juvenile matters and social services.
<b>Jamaica</b>	The Jamaica Central Authority will facilitate medication where it is deemed on assessment that the parties wishes to arrive at an amicable solution.
<b>Japan</b>	JCA introduces ADR institutions to both parties involved and encourage them to seek an amicable resolution. For this purpose, JCA has signed the contract agreements with 6 ADR institutions in Japan, and bears mediation fee for up to 4 sessions at one of these institutions.  The parties may also seek to settle the case through the “in-court mediation” during the court proceedings. The “in-court mediation” is facilitated by a mediation committee consisting of one judge, who is also the sitting judge in the child return case, and 2 mediation commissioners (mediators). The courts encourage the parties to resolve the case through the “in-court mediation”.
<b>Latvia</b>	The Central Authority promotes amicable resolution through the intermediary, namely, with the assistance of the competent authority (Orphan's and Custody Court). The relevant Custody Court is contacted with the request, firstly, to locate the child and alleged abducting party. Secondly, to clarify the opinion of the alleged abducting party. Thirdly, to advise mediation options.
<b>Lithuania</b>	The Lithuanian Central Authority request the child rights protection specialists of Territorial Divisions to locate the child / confirm the child's location and to secure the voluntary return of the child. We also made the list of mediators competent in international family law and able to mediate

	in different languages. However, the tri-trial mediation is not obligatory in Lithuania in child abduction cases (contrary than in other family disputes considered in courts).
<b>Montenegro</b>	No, this matter is within the jurisdiction of the court
<b>New Zealand</b>	<p>In New Zealand Family Law practitioners are charged with a responsibility to attempt amicable resolution. In some cases formal mediation occurs. In others it may be an exchange of proposals or round table meetings.</p> <p>At any time during the proceedings parties may be referred to mediation and/or alternative amicable resolution services to identify the issues and attempt to resolve matters.</p>
<b>Panama</b>	The Judicial Branch has developed, with the participation and collaboration of the Hague Regional Office and two liaison judges of the Hague of Panama in conjunction with the Directorate of Alternative Methods and the Directorate of Modernization and Institutional Development, it was possible to prepare a draft protocol for the judicial mediation service in matters of international abduction of minors. The name given to the final document. This document is in the stage for review and approval by the Plenary of the Supreme Court of Justice.
<b>Peru</b>	Through an interview with the abducting parent, we inform them about the application received and the legal scope of the Hague Convention, in this framework the possibility of a voluntary return is raised.
<b>Poland</b>	The PCA informs about the possibility of voluntary return of the child and the possibility of mediation.
<b>Portugal</b>	The PCA establishes a direct contact (by letter) with the Taking-Parent
<b>Singapore</b>	The Singapore Central Authority will contact the taking parent to explore voluntary resolution/ return in order to minimise disruptions and trauma on children either directly or through mediation.
<b>Slovakia</b>	Central Authority contacts the alleged abducting party to seek voluntary return and offers both parties mediation services or other alternative dispute resolution process.
<b>South Africa</b>	Meetings are held with all the relevant people, the abducting parent and other significant others if relevant, legal representatives and the experts when necessary. The Child's views are also secured. Meetings known as round table discussions take place with a view to securing amicable resolution. The Central authority attempts voluntary return in terms of article 10 of the Convention
<b>Spain</b>	A voluntary return letter is sent by the CA. There is a stage of judicial return procedure during which an agreement is sought.
<b>Switzerland</b>	La loi fédérale sur l'enlèvement international d'enfant ( <a href="https://www.fedlex.admin.ch/eli/cc/2009/379/fr">https://www.fedlex.admin.ch/eli/cc/2009/379/fr</a> ), entrée en vigueur en juillet 2009, pose comme principe que tout est mis en œuvre, avant d'engager une procédure judiciaire de retour, pour que les parents trouvent d'eux-mêmes un règlement amiable au conflit que les oppose. L'autorité centrale peut donc engager, avec l'accord des deux parents, une médiation familiale internationale avant même l'ouverture d'une procédure judiciaire. Si cela n'a pas encore été fait, le tribunal doit engager une procédure de médiation ou de conciliation aussitôt qu'il est saisi d'une demande visant le retour de l'enfant. La Suisse dispose d'un réseau d'institutions et d'experts qualifiés en matière de médiation et de conciliation, qui peuvent être mobilisés à brève échéance.
<b>Türkiye</b>	When the Public Prosecution Office receives the return documents from the Central Authority, it initiates the procedures in order to locate the child. As soon as the child is located, the Public Prosecution Office takes the statement of the alleged abductor parent in order to inform him/her about the allegations of the applicant and to obtain an amicable

	resolution. If voluntary return of the child or an amicable resolution is not possible, the Public Prosecution Office files a lawsuit in order to obtain a decision regarding the return of the child.
<b>Ukraine</b>	The CA only provides general information on mediation and the benefits of mediation. The CA informs the possible ways of obtaining the service of mediation available. Also, we informed the parties of their right to conclude the amicable agreement in any stage of the proceedings.
<b>United Kingdom (England and Wales)</b>	<p>In England and Wales attempts to secure a voluntary or amicable solution normally begin after the left behind parent (the applicant) in a return case has been referred to a specialist solicitor by ICACU. The solicitor then acts on the instructions of the left behind parent. This allows the risk of flight by the taking parent if approached to be assessed in the light of the left behind parent's information. In the majority of cases judicial proceedings are issued although a parent may agree to a voluntary return at any stage. ICACU raises the awareness of both parties to the possibility of a voluntary return. The referral letter informs the specialist solicitor of this option and includes an information sheet covering voluntary return, mediation and contact details for organisations which may be able to assist, to be provided to the taking parent when they are served with the return application.</p> <p>Organisations include the charity Reunite International, which provides an at court specialist mediation service (see link to Practice Guidance at Q1). Legal aid is available for mediation in appropriate cases. <a href="https://www.reunite.org/mediation-overview/">https://www.reunite.org/mediation-overview/</a></p>
<b>United Kingdom (Northern Ireland)</b>	Solicitors and Counsel on the panel are very much aware of the need and to promote an amicable resolution
<b>United Kingdom (Scotland)</b>	Solicitor assigned to the case will always make contact with the abducting parent and request a voluntary return before commencing court proceedings
<b>United States of America</b>	The USCA's long established practice, except in instances where we are concerned about further flight risks or safety concerns, is to reach out to alleged taking parents to provide information about the Hague Convention and resources available to facilitate a voluntary return. As recommended by the Malta Principles, the USCA designated a Central Point of Contact on international family mediation. If a parent expresses interest in mediation, the USCA may reach out to the other parent to determine if the other parent is interested in mediation. The USCA may refer interested eligible parents to a specialized international family mediation program. We also have general information about mediation and mediation resources on our website.
<b>Uruguay</b>	<p>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.</p> <p>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</p>
<b>Venezuela</b>	La mediación como mecanismo de solución pacífica de controversias/conflictos entre los padres o las partes, siempre está presente en cualquier grado e instancia del procedimiento judicial de restitución en nuestro país y es agotada por el propio juez y jueza que conoce de la solicitud. Aún cuando la mediación puede llevarse a cabo en cualquier momento del procedimiento, inclusive en segunda instancia, en Venezuela

toda demanda que involucre a NNA, la etapa inicial de primera instancia está dedicada y concebida exclusivamente para alcanzar acuerdos voluntarios entre las partes en conflicto.

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 skills<sup>7</sup>)?

Please specify:

<b>Argentina</b>	The Central Authority and Liaison Judges provide training or articulate with specialized mediators to hold the meeting in order to bring about an amicable resolution of the issues. It is essential to have specialised staff in the subject in order to deal with cases in a better way.
<b>Australia</b>	Specialised NGO mediators have provided mediation services in appropriate cases.  Hague mediations have also been conducted through Victoria Legal Aid and Australia's family courts have more recently arranged in house mediation using court mediators or through the provision of a judge led mediation.
<b>Belgium</b>	
<b>Brazil</b>	Not applicable
<b>Bulgaria</b>	We have possibility only for Court Mediation which is free of charge. the Central authority ensure an interpreter for mediation.
<b>Canada</b>	The provincial and territorial CAs that offer mediation rely on trained mediators, have done so in several languages (English, French and Spanish) and put a strong focus on diversity and cross-cultural competence.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Although we do not offer mediation services to the parties, we will refer the parties to non-governmental organisations which provide mediation services if the parties wish to undertake mediation.
<b>China (Macao SAR)</b>	As mentioned above, there is no mediation or other alternative dispute resolution regime specified for cases of international child abduction due to the considerably low number of cases in the Macao SAR. However, its Central Authority continuously provides assistance and services in cases related to various family issues, including child abduction cases under the 1980 Convention.
<b>Colombia</b>	In Colombia at the Administrative Phase the Administrative Authority summon the alleged abductor parent to a hearing in order to try a voluntary return. In case an interpreter is needed as Central Authority we will request the competent authority for its appointment.
<b>Costa Rica</b>	We only did one mediation process and then it become a big issue. We did that, because we had both parties here in Costa Rica, but since then, we don't use it anymore.
<b>Cyprus</b>	

<sup>7</sup> 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](http://www.hcch.net) under "Child Abduction Section" then "Guides to Good Practice".

<b>Czech Republic</b>	<p>The employees who lead the facilitated interviews" know the child abduction topic, have sufficient language skills and experience with the cases.</p> <p>In the NGO providing mediations mediations are led by mediators with appropriate training and language skills. "</p>
<b>Denmark</b>	Not relevant
<b>Dominican Republic</b>	NO.
<b>Ecuador</b>	No
<b>El Salvador</b>	No.
<b>Estonia</b>	The CA does not offer the service, but we can give information and the contacts of the mediation union and can help in facilitating first contact.
<b>Finland</b>	-
<b>France</b>	La liste de médiateurs familiaux établie par l'autorité centrale française comprend des praticiens titulaires d'un diplôme de médiation, qui doivent justifier de leur expérience en médiation familiale (inscription sur la liste d'une cour d'appel en France) et dans les litiges à caractère transfrontalier (cas traités, formations suivies), ainsi que d'un niveau suffisant en anglais et de préférence dans une autre langue, ainsi que de compétences multi-culturelles.
<b>Georgia</b>	<p>The Guide to Good Practice on Mediation is a very important tool to facilitate friendly settlement of the dispute between the parties. It gives a lot of useful information on how does the mediation work for the child abduction cases. The Central Authority of Georgia offers the parties the initiation of mediation with the involvement of specialised mediators. Moreover, in 2020, the Cental Authority of Georgia in close cooperation with IRZ (the German Foundation for International Legal Cooperation ) provided trainings on mediation within the framework of child abduction cases and 20 specialized mediators were trained by the German experts on the specific characteristics of mediation with regard to the child abduction cases.</p>
<b>Germany</b>	<p>MiKK e.V. (<a href="http://www.mikk-ev.de/">http://www.mikk-ev.de/</a>), International Mediation Centre for Family Conflict and Child Abduction, advises parents from all over the world and organizes co-mediations for parents both in Germany and abroad. The mediators of the International MiKK Mediators Network are based in 30 countries offering mediations in 30 languages.</p> <p>The co-mediations are conducted by a male and female mediator, one of whom has a legal and the other a psychological/social or education background. Furthermore, the co-mediators speak the parties' common language as well as their respective mother tongues. In addition, they come from the same countries as the parties, so have indepth knowledge of the parties' respective culture involved. The mediators are qualified not only by their mediation training and experience, but also by a specialized advanced 50-hour Cross-border Family Mediation training (CBFM) on the complexity and the specific circumstances surrounding international child abduction proceedings and the legal issues involved.</p>
<b>Honduras</b>	No, the mechanism that we use in Honduras trough DINAF as Central Authority is the detailed in the previos answer N° 18, if this conciliation step fails in Administrative Campus once the caso is elevated to the Courthouse, in this stage the judge again asks the parties to get an amicable resolution or a conciliation. If this fails, it continues at juditial process until to obtain a resolution which determinates the restitution or not of the child of the process.
<b>Iceland</b>	



<b>Israel</b>	
<b>Italy</b>	
<b>Jamaica</b>	Yes. The Jamaica Central Authority has organised mediation courses to the team to become trained mediators
<b>Japan</b>	ADR institutions list mediators, some of them foreign nationals, who speak multiple languages including English. Interpretation and translation services in many languages are also available at the Ministry of Foreign Affairs' expense. On training, mediators from Reunite in the UK and Mikk in Germany have been invited to conduct mediator training workshops.
<b>Latvia</b>	<p>Mediators who are specialized in the family matters are also trained and advised of the international child abduction.</p> <p>The Ministry of Justice in collaboration with the Council of Certified Mediators, has implemented project "State co-financed family mediation". It allows to provide support for families to solve their disputes affecting children. Within the project each family could receive up to 5 hours of State paid sessions (for 60 minutes each), provided by certified mediators. Since 2022 family could receive up to 7 hours of State paid mediation session if the party to the conflict is recognized as poor or low-income in accordance with the law. Parents, guardians or children's caretakers could apply even if the proceedings had already been initiated in court and there were a wide range of disputes that could be solved by means of mediation (e.g. parents' rights of access, children's maintenance, education, place of residence).</p> <p>Mediation Law is available at: <a href="https://likumi.lv/ta/en/en/id/266615-mediation-law">https://likumi.lv/ta/en/en/id/266615-mediation-law</a>.</p> <p>Additional information on project (only in Latvian) available at: <a href="https://sertificetimediatori.lv/mediacijas-pakalpojumi-gimenes-stridurisinasa/">https://sertificetimediatori.lv/mediacijas-pakalpojumi-gimenes-stridurisinasa/</a> "</p>
<b>Lithuania</b>	The Central Authority did not review the procedures of mediation services or ADR in the framework of international child abduction cases. But we invited the mediators having particular competence in international family law and able to mediate in different languages to consent their contact details would be shared with persons involved in child abduction cases.
<b>Montenegro</b>	Mediation services is not within the jurisdiction of the Central Authority. It is in the jurisdiction of the court.
<b>New Zealand</b>	
<b>Panama</b>	The Judicial Branch has initiated the study on the offer of mediation services through the alternative methods centers available to it for the referral of cases of international child abduction to mediation, in such a way that it has taken steps for the elaboration of a protocol developing a pilot project to implement mediation to the application of the Convention on International Child Abduction of 1980. since 2019.
<b>Peru</b>	In our country, it is the judge who, within the process, promotes a conciliation hearing for the voluntary return of the child or adolescent.
<b>Poland</b>	n/a
<b>Portugal</b>	The Portuguese Central Authority (PCA) does not have mediation services.
<b>Singapore</b>	The Singapore Central Authority may promote mediation as a means of amicable resolution by referring parents if they are keen to engage professional mediation services in Singapore.
<b>Slovakia</b>	Central authority has employees specially trained in crossborder family mediation or uses services of external professionals in this field.
<b>South Africa</b>	Not yet.

<b>Spain</b>	
<b>Switzerland</b>	La Suisse dispose d'un réseau d'institutions et d'experts qualifiés en matière de médiation et de conciliation, qui possèdent les connaissances linguistiques et compétences transculturelles nécessaires, et qui peuvent être mobilisés à brève échéance.
<b>Türkiye</b>	
<b>Ukraine</b>	Not applicable because the CA is not involved in the process of the mediation or other ADR resolution methods.
<b>United Kingdom (England and Wales)</b>	Not applicable
<b>United Kingdom (Northern Ireland)</b>	CA is not involved in mediation services or ARD methods
<b>United Kingdom (Scotland)</b>	Not applicable
<b>United States of America</b>	The U.S. Central Authority does not offer mediation services or other alternative resolution methods directly. However, referral to a specialized international family mediation program is provided if the applicant and other parent express an interest in mediation and are eligible for its services.
<b>Uruguay</b>	No
<b>Venezuela</b>	La ACV, no cuenta con mediadores capacitados ni especializados que permitan ofrecer dicho servicio en la actualidad. Sin embargo; la mediación se agota solo en la vía judicial por el propio juez de la causa.

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:

<b>Argentina</b>	The mediation services are already being provided. They are also being development to spread amicable resolution of the cases.
<b>Australia</b>	Please see the discussion about ADR above.
<b>Belgium</b>	<p>Non</p> <p>Le règlement non contentieux des différends est actuellement organisé au début de la phase judiciaire.</p> <p>Dès qu'une demande de retour est introduite devant le tribunal de la famille, le greffier informe les parties de la possibilité de médiation, de conciliation et de tout autre mode de résolution amiable des conflits.</p> <p>Les parties sont invitées à comparaître en personne à l'audience d'introduction. Si les deux parties comparaissent en personne à l'audience d'introduction, le juge les entend sur la manière dont elles ont tenté de résoudre le litige à l'amiable avant l'introduction de la cause et détermine si une résolution à l'amiable est envisageable, sauf si cela est contraire à l'intérêt supérieur de l'enfant, si ce n'est pas approprié en l'espèce ou si cela retarderait indûment la procédure.</p> <p>S'il constate qu'un rapprochement est possible, le juge peut remettre la cause à une date fixe, qui ne peut excéder quinze jours sauf accord des parties, afin de leur permettre de présenter un accord.</p>

	A la demande des parties ou s'il l'estime utile, le juge peut également renvoyer l'affaire devant la chambre de règlement à l'amiable en veillant au respect des délais.
<b>Brazil</b>	The Brazil CA is currently studying the best format of mediation for cases from Brazil. Furthermore, the TRF of the 2nd Region has trained a group of employees to mediate disputes involving abductions. The BCA has kept in touch with the individuals in charge of this program, ensuring that conflicts related to the abduction of minors are subject to a mediation process before being brought to court.
<b>Bulgaria</b>	We already have a Mediation Center which is enough competent for abduction cases.
<b>Canada</b>	The provincial and territorial CAs that do not provide mediation have no current plan to do so at this time.
<b>Chile</b>	The Chilean Central Authority offers direct court representation for Hague applicants: the attorneys of the Central Authority represent the applicant in court. This means that we cannot offer mediation services, because we would be operating as both mediators and parties in the same case, which is impossible. Also, the Central Authority as an institution does not have executive powers on any decisions, which means that any amicable resolution reached outside of the court would be impossible to carry out forcibly, if either party chose not to comply with the agreement. Due to all of the above, there are no plans currently in place to offer mediation services (it would require a complete redesign of the entire Central Authority).
<b>China (Hong Kong SAR)</b>	We currently have no plan to provide the aforementioned services. Due to the limited number of cases, it is considered not cost effective. The present available facilities are considered sufficient to serve the purpose.
<b>China (Macao SAR)</b>	Having considered that there were only a few cases related to the 1980 Convention in the Macao SAR, currently, the establishment of a specified regime of mediation or alternative dispute resolution for child abduction cases is not considered a priority. However, the relevant authorities of the Macao SAR will regularly review internal regulations or procedures for improvement.
<b>Colombia</b>	No
<b>Costa Rica</b>	We haven't considered yet, since there is only one person in charge of the cases
<b>Cyprus</b>	The CA will examine the possibility once the domestic Law mentioned in 18. is fully implemented.
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	This Dominican Central Authority would be very grateful to have the support of other Central Authorities to train people in mediation on the issue of international child abduction based on the 1980 Hague Convention.
<b>Ecuador</b>	No
<b>El Salvador</b>	Si, en aras de mejorar los servicios.
<b>Estonia</b>	No
<b>Finland</b>	-
<b>France</b>	Cf question 19
<b>Georgia</b>	Not applicable.
<b>Germany</b>	
<b>Honduras</b>	Yes, as we detailed in the answer N  ° 18 and 19.
<b>Iceland</b>	

<b>Israel</b>	At the present time, parties may apply directly to private mediators. Israel is currently examining the possibility of comprising a list of specialized and trained mediators, to whom the parties can apply.
<b>Italy</b>	Only on an experimental basis, in case the above mentioned project will grant funds to be used to pay mediators' fees.
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	
<b>Montenegro</b>	Mediation services is not within the jurisdiction of the Central Authority. It is in the jurisdiction of the court.
<b>New Zealand</b>	
<b>Panama</b>	<p>Since 2019, the Judicial Branch has been carrying out through the National Directorate of Alternative Methods of Conflict Resolution study, consultations, meetings with judges at the national level with the collaboration of the regional office of the Hague Conference and the Directorate of modernization and institutional development of the Judicial Branch to develop a draft protocol to refer cases of international restitution, that are considered as processes of greater complexity, but with the intention that they be resolved in advance in order to reduce the deadlines, avoid integration and reduce the impact of children illegally detained or transferred.</p> <p>It is important to add that from the beginning the Central Authority was invited by the organizers of these working meetings to participate, being represented by Mr. Saul Jaramillo, who after attending meetings and the inter-institutional workshop said that the executive could support the project initiated by the Judicial Branch of Panama to give official status to the document, if required. In this context, I clarify that what is elaborated is of a judicial nature and not administrative, so the interest of maintaining the essence of it was reaffirmed.</p>
<b>Peru</b>	No
<b>Poland</b>	n/a
<b>Portugal</b>	this hypothesis is being considered
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	Refining the operational implementation of the Hague convention will be addressed.
<b>Spain</b>	
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	This issue is not under consideration at the moment.
<b>United Kingdom (England and Wales)</b>	No
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	Cannot say at this time
<b>United States of America</b>	
<b>Uruguay</b>	Yes
<b>Venezuela</b>	Efectivamente, el objetivo por parte de la Autoridad Central, es llegar a contar en el futuro con un equipo profesional especializado y la

	infraestructura adecuada para llevar a cabo o prestar los servicios de mediación o conciliación.
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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?<sup>8</sup>

No

Argentina, Australia, Belgium, Bulgaria, Canada, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Honduras, Iceland, Israel, Italy, Japan, Montenegro, New Zealand, Peru, Poland, Singapore, Slovakia, South Africa, Switzerland, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland)

Please explain:

<b>Argentina</b>	The mediation services are already being provided. They are also being development to spread amicable resolution of the cases.
<b>Australia</b>	This task has been entrusted to the Central Authority
<b>Belgium</b>	
<b>Brazil</b>	
<b>Bulgaria</b>	We could use family Mediation Center.
<b>Canada</b>	
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	See above at 20.
<b>China (Macao SAR)</b>	Currently, this is not considered a priority because there were only a few cases related to the 1980 Convention in the Macao SAR.
<b>Colombia</b>	The colombian legislation does not content any provision regarding mediation. At the Judicial Phase on the Hague Return Cases the Judge will try to reach an agreement through conciliation between the parties.
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	Both the family courts and the competent authority in parental responsibility cases already provide mediation if they deem it necessary, in both cross-border and non cross-border cases.
<b>Dominican Republic</b>	
<b>Ecuador</b>	There is already a conciliation stage.
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	L'autorité centrale française disposait jusqu'en 2020 d'une cellule de médiation internationale. Ce dispositif a été remplacé par une liste de médiateurs familiaux spécialisés dans les dossiers transfrontière tenue à la disposition des parties et des acteurs de la procédure, que l'autorité centrale française continue à étoffer par la recherche de nouveaux partenariats dans toute la France pour proposer les solutions les mieux

<sup>8</sup> 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.

	adaptées aux différentes situations. L'autorité centrale informe de manière systématique les parties de l'existence de cette liste et de la possibilité de médiation lors de sa saisine.
<b>Georgia</b>	However, this issue might be discussed in the near future.
<b>Germany</b>	
<b>Honduras</b>	In this case we have not consider it yet because previously to the application of these methods Honduras through DINAF is prioritizing to the creation of special laws, guidelines, protocols and tools to the correct application of the 1980 Convention.
<b>Iceland</b>	
<b>Israel</b>	The State of Israel is currently in the process of exploring the possibility of compiling a list of specialized mediators who could offer such services for cross-border family disputes.
<b>Italy</b>	Currently, this service is provided only for domestic disputes.
<b>Jamaica</b>	
<b>Japan</b>	JCA gathers and facilitates access to information on ADR such as mediation services.
<b>Latvia</b>	
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	New Zealand has the advantage of being a small island nation. The particular expertise or affiliation of mediators is considered when identifying the mediation model most suited to the particular case.
<b>Panama</b>	
<b>Peru</b>	For the reasons set out in paragraphs 19 and 20 above
<b>Poland</b>	The PCA provides information to the parties on mediation services available such as private mediation services and those available in the courts.
<b>Portugal</b>	
<b>Singapore</b>	The Singapore Central Authority can provide information to the applicant on mediation services available such as private mediation services and those available in the Courts.
<b>Slovakia</b>	
<b>South Africa</b>	Costs and capacitation may be a prohibitive factor
<b>Spain</b>	
<b>Switzerland</b>	Le faible nombre de cas d'enlèvement et, par conséquent, de médiations, ne justifieraient pas la création d'un service centralisé pour la médiation familiale internationale. La Suisse a donc décidé d'établir le réseau d'institutions et d'experts qualifiés mentionné à la question 19.
<b>Türkiye</b>	
<b>Ukraine</b>	This issue is not under consideration at the moment. There are some mediators in Ukraine which have specialization on cross-border dispute resolution. This year is planned to teach more family mediators from Ukraine within the cooperation of EU in Mikk (Berlin).
<b>United Kingdom (England and Wales)</b>	In England and Wales mediation is an independent profession, independently regulated.
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	
<b>Uruguay</b>	



Venezuela	
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Yes

Brazil, Cyprus, Dominican Republic, Germany, Jamaica, Latvia, Lithuania, Panama, Portugal, South Africa, United States of America, Uruguay, Venezuela

Please explain:

Argentina	
Australia	
Belgium	
Brazil	Possibly, see question 20.
Bulgaria	
Canada	
Chile	
China (Hong Kong SAR)	
China (Macao SAR)	
Colombia	
Costa Rica	
Cyprus	see question 21 above.
Czech Republic	
Denmark	
Dominican Republic	We have considered being able to count on this type of service for international child abduction cases, however, we need support with economic resources and training to be able to start this service.
Ecuador	
El Salvador	
Estonia	
Finland	
France	
Georgia	
Germany	In proceedings instituted by the German Central Authority, it closely cooperates with MiKK e. V. which helps to find suitable mediators, organise rooms for mediation and set up mediation as such in practical terms. All this happens in close co-ordination with the German Central Authority which in turn liaises directly with the competent court. The Central Contact Point for Cross-border Family Conflicts (ZAnK") based at the German Branch of International Social Service within the "Deutscher Verein" exercises the function of Central Contact Point for International Family Mediation (see website <a href="https://zank.de/">https://zank.de/</a> , information available in several languages). "
Honduras	
Iceland	
Israel	
Italy	
Jamaica	That is a mechanism that the Central Authority will seek to implement
Japan	
Latvia	The mediation services are already centralized and coordinated by the Council of Certified Mediators.

<b>Lithuania</b>	The pre-trial mediation in family disputes is obligatory in Lithuania and is organized by State Guaranteed Legal Aid Service. This authority, if needed, can organize them mediation in different languages (if one of persons involved in dispute is the citizen of other country / does not speak Lithuanian). However, the child abduction cases are considered in Lithuania in non-contentious proceeding and therefore the pre-trial mediation is not obligatory in these proceedings.
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	this hypothesis is being considered
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	Currently mediation is part of the process in addressing abduction matters
<b>Spain</b>	
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	The USCA serves as the Central Contact Point for mediation services.
<b>Uruguay</b>	We are in the process of considering it
<b>Venezuela</b>	Basada en la experiencia de los procesos administrativos y judiciales en Venezuela, las técnicas de resolución de conflicto ha incidido considerablemente en la resolución de los mismos. Por ello, se ha considerado significativamente, que el servicio central para la mediación familiar internacional, sería un eje modular para el abordaje y solución en vía admisnitrativa de este tipo de casos, ya que con ello impediría el agotamiento de la vía judicial.

### Ensuring the safe return of children<sup>9</sup>

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:

<b>Argentina</b>	The mediation services are already being provided. They are also being development to spread amicable resolution of the cases.
<b>Australia</b>	The ACA requests this information from the overseas requesting authority. In our experience such information is readily given. Where the 1996 Convention is in force, arrangements can be made to ensure that any child protection concerns are appropriately communicated, Australian courts can, and do, make orders, in the context of a return, on an urgent basis

<sup>9</sup> See Art. 7(2)(h) of the 1980 Convention.

	under article 11 to deal with child safety concerns. These enable recognition and, if necessary, enforcement of those associated orders in the requesting jurisdiction upon the child's return if that jurisdiction is also a party to the 1996 Convention.
<b>Belgium</b>	Les informations peuvent être obtenues par l'intermédiaire des autorités centrales et/ou par la mise en œuvre de communications judiciaires directes avec ou sans l'intervention du juge de liaison.
<b>Brazil</b>	Usually the federal judge in the cases requests help from the liaison judge to obtain such information regarding the safe return of the child from the liaison judge of the requesting state.
<b>Bulgaria</b>	We communicate this with the other requesting Central Authority
<b>Canada</b>	<p>We understand the term “protective measures” as it is defined in the Guide to Good Practice on 13(1)(b), as “measures available to address a grave risk”.</p> <p>Courts will usually obtain information about protective measures through submissions made by the parties or through the CAs (the provincial or territorial CA communicating with the foreign CA). Courts would more rarely obtain this information through direct judicial communications.</p>
<b>Chile</b>	Via communication with the requesting Central Authority
<b>China (Hong Kong SAR)</b>	We will liaise with the Central Authority of the requesting State and obtain such information from them directly.
<b>China (Macao SAR)</b>	In general, the competent authority of the Macao SAR directly requests the Central Authority of the Macao SAR to gather and provide the relevant information of the requesting State, or uses the HCCH website to search for information when necessary.
<b>Colombia</b>	As Central Authority we ask for cooperation from the requesting Central Authority, in case a protective measure is requested or an additional action is necessary to promote the safe return of the child to their habitual residence country.
<b>Costa Rica</b>	When is asked to the Central Authority.
<b>Cyprus</b>	Through communication of the CA of Cyprus with the requesting CA.
<b>Czech Republic</b>	Via the Central Authority or International Hague Network of Judges
<b>Denmark</b>	We do not have experience with this issue. However, as Central Authority we can assist with asking the requesting State's Central Authority.
<b>Dominican Republic</b>	The Dominican Republic is a member of the 1996 Hague Convention, and with this we request its application in those countries that have also signed their request to request information on the protection measures available in the Requesting State. In those countries that are not part of this international instrument, the Dominican Central Authority makes use of the spirit of cooperation to request information on the legislation of its country from the Central Authority of the Requesting State.
<b>Ecuador</b>	Through a request to Central Authority.
<b>El Salvador</b>	Mediante colaboración entre autoridades centrales. Si la autoridad judicial de El Salvador, en el transcurso del proceso, requiere conocer las medidas de protección disponibles en el Estado al que se solicita que la niña, niño o adolescente sea retornado; lo realiza mediante solicitud a la autoridad central de El Salvador (Procuraduría General de la República) quien a su vez en atención al art. 7 del Convenio referido a la colaboración, lo requiere a la autoridad central del Estado requiriente.
<b>Estonia</b>	if needed we can make an enquiry through CA-s
<b>Finland</b>	The court could ask assistance from the Central Authority, use direct judicial communication, or ask the parties of the case.
<b>France</b>	Sur demande du magistrat saisi du dossier (procureur de la République ou juge aux affaires familiales), l'autorité centrale française sollicite de

	l'autorité centrale de l'Etat requérant des informations sur les mesures de protection disponibles dans cet Etat en cas de retour.
<b>Georgia</b>	The Central Authority of Georgia contacts 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 with regard to the safe return of the child and requests information on the protective measures available in the requesting state when necessary to ensure the safe return of the child. In parallel with the official correspondence, the contact can be made via e-mail and phone.
<b>Germany</b>	Generally the German Hague court would send a respective inquiry to the German Central Authority who then forwards it to the Central Authority of the requesting State.  Another possibility for the court is to go - alternatively or simultaneously - through the channel of the Hague Network judges.
<b>Honduras</b>	In the cases that have been taken during the 1980 Convention application we have not seeing the need to the application of protection mesures, although if it is necessary to applicate mesures we would request the protection mesures disponibles in the requestin state.
<b>Iceland</b>	By contacting the CA in the requesting State.
<b>Israel</b>	The ICA , at its initiative or pursuant to the request of a court, will request such information from the requesting Cental Authority.
<b>Italy</b>	Usually, via central authorities
<b>Jamaica</b>	
<b>Japan</b>	If JCA finds that the circumstances require protective measures to ensure the safe return of the child, it will alert and request the Central Authority of the requesting State to take appropriate protective measures. JCA also notifies Japanese diplomatic or consular missions in the requesting State about the child's scheduled return. JCA also gathers information about the support organizations for victims of Domestic Violence through Japanese diplomatic or consular missions in the requesting State, and provides it to the taking parent in order to ensure the safe return of the child.
<b>Latvia</b>	Through the prompt assistance of the Central Authority.
<b>Lithuania</b>	The Court obliges the Central Authority of Lithuania to obtain the required information about the protective measures available in the requesting State from the competent authorities of requesting State.
<b>Montenegro</b>	This matter is within the jurisdiction of the court
<b>New Zealand</b>	If additional information or evidence is required a request for information will be sent to the requesting Central Authority outlining the type of information sought. It is for the requesting State to determine how or by whom the information is provided. That is, should the LBP, the Central Authority or another agency provide information about the services and supports available in the requesting State.  If there are concerns about risk to a child on return, the Central Authority will liaise with the New Zealand International Child Protection Unit to obtain information about child protection services in the requesting State and support services that may be available to a returning child and TP.  The New Zealand CA will inform the Central Authority of the requesting state of any concerns so that the competent authorities can be made aware of those concerns and need for protection and enable them to take the required precautions.
<b>Panama</b>	In general, if it is necessary to adopt some protection measure to guarantee the safe return of the child to his habitual residence, it has

	<p>been used as a communication channel the Central Authority of Panama, which has acted as an intermediary to obtain the respective answers for each case. For example, if the minor is unable to travel with his or her parents, the collaboration of a consular or diplomatic agent of the requesting State is sought to ensure that the child arrives safely and is handed over to the appropriate person, who may be a relative or a judicial or administrative authority.</p> <p>Who shall have the power to determine with whom the minor is to live, until the merits of the proceedings that are or are processed in that State are resolved.</p>
<b>Peru</b>	All information is obtained through the Central Authorities.
<b>Poland</b>	<p>The PCA will, if necessary, notify the court of the need to put in place the necessary security measures for the returning child.</p> <p>In addition, if the family court decides that the child should be returned and the court has determined that there are concerns about the child's welfare, the PCA shall, at the request of the court, seek the assistance of the PCA of the child's country of habitual residence to ensure that the child is protected and not at risk of harm upon return.</p>
<b>Portugal</b>	Through direct contacts with other Central Authorities
<b>Singapore</b>	The Singapore Central Authority ensures that the necessary safety measures are in place for the returning child. For instance, if the Family Justice Courts decides that the child should be returned and the Court had determined that there are concerns of welfare relating to the child, the Singapore Central Authority will request the assistance of the Central Authority of the child's country of habitual residence to ensure that the child will be protected and not be subjected to any harm upon his or her return.
<b>Slovakia</b>	The information is obtained through a liaison judge and also Central Authority or other form of judicial cooperation
<b>South Africa</b>	The legal representatives and the Central Authorities will consider all the merits, factors and mechanisms required to facilitate return and to ensure that the child is safe when returned. This is done by discussion from the RSA Central Authority/delegated Central Authority with the Central authority from the requested state, who will source information and make it available.
<b>Spain</b>	Through the requesting State Central Authority
<b>Switzerland</b>	Soit par les communications judiciaires directes soit, plus souvent, par le biais des autorités centrales.
<b>Türkiye</b>	The Turkish Central Authority asks for the assistance of the requesting Central Authority to ensure that the child will be protected and not be subjected to any harm upon his or her return, where the competent court determines that there are concerns of wellbeing of the child in case of return.
<b>Ukraine</b>	Ukraine is a Contracting State to the 1996 Convention. The request under Art. 31-34 could be submitted for this purpose.
<b>United Kingdom (England and Wales)</b>	<p>Judiciary</p> <p>Information provided to the court by the parties.</p> <p>ICACU</p> <p>ICACU will process requests from solicitors and/or the court if information on protective measures is needed from the requesting state, but it is usual for the court to source this information without coming to ICACU for assistance.</p>
<b>United Kingdom (Northern Ireland)</b>	any requests for information from the court during the return proceedings are forwarded to the requesting state for their advice.

<b>United Kingdom (Scotland)</b>	Central Authority This is a matter for the court who will instigate the necessary checks before making an order for return Judiciary Each party secures evidence from independent lawyers in the requesting state and presents it to the court.
<b>United States of America</b>	In appropriate circumstances, the USCA may communicate with a foreign central authority to determine whether it can assist with protective measures such as logistics upon arrival in the requesting state, or any government services that may be appropriate to help facilitate the child's safe return. Courts in the United States may engage in a variety of methods to ascertain whether protective measures meant to help ensure the safe return of the child are available in the requesting state, such as through expert testimony, testimony of witnesses including the parties, and/or through engaging in direct judicial communications.
<b>Uruguay</b>	Either through the Central Authorities or through direct communication with the liaison judges.
<b>Venezuela</b>	Solicitando dicha información a la ACV, quien, a su vez, la solicita a la AC Requirente, el juez o jueza competente a través de una comunicación judicial directa, si fuere poible, o mediante el Juez o Jueza de Enlace directamente al Juez de Enlace del Estado requirente.

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

Canada, Chile, China (Hong Kong SAR), China (Macao SAR), Israel, Japan, Montenegro, New Zealand, Singapore, Spain

Yes

Argentina, Australia, Belgium, Brazil, Bulgaria, Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Italy, Latvia, Lithuania, Panama, Peru, Poland, Portugal, Slovakia, South Africa, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela

Please specify:

<b>Argentina</b>	Even though Argentina is still under the process of ratification of the 1996 Convention, The Central Authority could provide the situation report as long as the children's care organization provides collaboration to elaborate it.
<b>Australia</b>	The ACA will generally be able to arrange for a report on the situation of the child post return if the request is made under the 1996 Convention.
<b>Belgium</b>	Une enquête peut être demandée par l'intermédiaire du ministère public ou un rapport sur la situation de l'enfant peut être sollicité auprès des autorités fédérées compétentes en matière de protection de la jeunesse.
<b>Brazil</b>	Yes, but with the help of the Federal Police, social workers, and decisions made by the judge.e insert text here, depending on the measures that will be taken.
<b>Bulgaria</b>	Using the mechanism of cooperation under Article 32 of the Hague Convention of 1996, for example.



<b>Canada</b>	<p>The nature and scope of what constitute a “safe return measure” is unclear. In any event, we do not see a scenario where providing a report on the situation of the child following their return would ensure the safe return of the child.</p> <p>In any case, in our view, monitoring the situation of the child following the return of the child is not within the role of CAs under the 1980 Convention. In those jurisdictions where family law files are confidential, the CAs may not have access to them. In addition, in most if not all Canadian jurisdictions, legislation would prohibit or strictly limit their ability to gather personal information regarding a child and his or her parents in such circumstances. In Canada’s view, it is the role the authorities in requesting States to look after the children once they are returned to the requesting States, including where necessary under child welfare legislation.</p> <p>We anticipate that CAs in Canada (assuming Canada becomes party to the 1996 Convention) would consider using Article 32 to request a report on the child’s situation only where such information would be needed to make a decision (take a measure of protection) in regard to the child in Canada. Such application would be consistent with the wording of Article 32. It is not anticipated that Canadian CAs would use Article 32 to request information as a matter of course to follow-up on a child’s situation after his or her return to the State of habitual residence. In this regard, Canadian authorities are very mindful of the need to respect the child and the parents’ right to privacy regarding personal and family matters. We should also add that Canadian authorities would very likely not have the authority under domestic law to even request or collect information on the child or his or her parents for such purpose.</p>
<b>Chile</b>	Chile is not a party to the 1996 Convention, so the Central Authority for the 1980 Convention would not be able to follow up on the child's situation directly. However in some cases it might be possible to contact other institutions that are working with the child (public protection programs, health care professionals, etc.). The problem is that if the child is being treated privately, it is up to each professional/institution to cooperate and inform of the status of the child.
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	The 1996 Convention is not applicable to the Macao SAR. Nevertheless, the Central Authority of the Macao SAR may take proper measures in response to the special circumstances of the case, and maintain close liaison and cooperation with the Central Authority of the State that returned the child to ensure the fulfilment of any specific needs of the child following a return and to safeguard his/her safety. So far, such practice has been effective.
<b>Colombia</b>	As the Colombian Institute for Family Welfare we have the Central Authority role but also we are the colombian government entity in charge of promoting and protecting the children's rights.
<b>Costa Rica</b>	In coordination with the Local Offices of PANI.
<b>Cyprus</b>	Upon receipt of such request, a Report is prepared by the Social Welfare Services of the Republic.
<b>Czech Republic</b>	The investigation of the circumstances in the place of residence of the child via the local social service authority.
<b>Denmark</b>	As Central Authority for the 1996 Convention, we can forward the request to the competent authority.
<b>Dominican Republic</b>	The Dominican Central Authority has a technical team of Social Workers and Psychologists to be able to directly carry out, and free of charge, a report on the situation of the child in the situations that are necessary. Likewise, this work team supports to carry out the investigations of the

	requests that are based on the application of article 32(a) of the Hague Convention of 1996.
<b>Ecuador</b>	Central Authority request information to the institution that is implementing the measure.
<b>El Salvador</b>	Es posible proporcionar informe sobre las condiciones al que se solicita que la niña, niño o adolescente sea retornado a traves de colaboraciones con equipos multidisciplinarios de la Procuraduría General de la República.
<b>Estonia</b>	via the Social insurance board.
<b>Finland</b>	Finnish Social Welfare authorities can provide report on request. The Central Authority does not initiate requests.
<b>France</b>	En parallèle du retour de l'enfant, l'autorité centrale française peut saisir les services de protection de l'enfance compétents d'une demande de rapport sur la situation de l'enfant sur le fondement de l'article 32 de la Convention de La Haye de 1996 ou de l'article 80 du règlement n° 2019/1111 dit "Bruxelles II ter" au sein de l'Union Européenne, ainsi, éventuellement que sur le fondement d'une convention bilatérale si elle le prévoit. Cette procédure n'apparaît cependant appropriée et proportionnée que dans des situations spécifiques avec des inquiétudes majeures pour le retour. Une systématisation de ce mécanisme ne semble pas envisageable, notamment car la Convention de 1980 envisage le retour de l'enfant au lieu de sa dernière résidence habituelle comme conforme à son intérêt. L'autorité centrale française essaie ainsi de réserver ce suivi aux situations spécifiques dans lesquelles le retour doit être accompagné pour la sécurité de l'enfant.
<b>Georgia</b>	In accordance with Article 32 (a) of the 1996 Convention Georgian Central Authority will refer to the State Care Agency in order to prepare the report on the situation of the child .
<b>Germany</b>	Such a request can be handled like any other request for a report on the living situation of the child under the 1996 Convention or Brussels IIb Regulation.
<b>Honduras</b>	The Central Authority of Honduras, through DINAF, carries out follow-up reports through psychosocial studies requested by any contacting Central Authority.
<b>Iceland</b>	
<b>Israel</b>	At the present time Israel is not a signatory to the 1996 Convention. As such, the Central Authority under the 1980 Convention does not have a jurisdictional basis to request such information, due to privacy issues.
<b>Italy</b>	Either directly or on behalf of CA under 1996 Convention
<b>Jamaica</b>	
<b>Japan</b>	JCA is not in a position to provide a report on the child after their return.
<b>Latvia</b>	Through intermediaries, namely, competent authority (Orphan's and Custody Court).
<b>Lithuania</b>	If we would receive such request, we would be able to request our Territorial Division to check child's wellbeing and to provide us with report about child's situation, if needed.
<b>Montenegro</b>	
<b>New Zealand</b>	It is not within the role of the Central Authorities under article 7 of the 1980 Convention to monitor the effectiveness of measures following the return of a child to their jurisdiction. We recognise the Convention is based on mutual respect and trust. As such we respect the requesting State has robust systems and processes in place to keep its citizens safe.
<b>Panama</b>	

<b>Peru</b>	
<b>Poland</b>	A report on the child's current situation can be made by the court guardian in any situation where there is a need and a request is made.
<b>Portugal</b>	
<b>Singapore</b>	At this point, Singapore is still studying the 1996 Convention and examining its possible implications. Where needed, the Child Protective Service under the Ministry of Social and Family Development (Singapore) will be activated to render assistance accordingly.
<b>Slovakia</b>	If requested by the competent authority.
<b>South Africa</b>	should this be a requirement it can be implemented provided the parent and child cooperate. Consideration should also be given to whether Central Authorities should consider the inclusion of enforcement clauses for them in court applications. this will strengthen support to the abduction legislation.
<b>Spain</b>	
<b>Switzerland</b>	Cela serait notamment possible dans le cadre d'une requête selon l'art. 32 de la Convention de 1996.
<b>Türkiye</b>	
<b>Ukraine</b>	In case of obtaining the request under Art. 32 and 34 the competent authorities will take measures in order to provide a report on the situation of the child.
<b>United Kingdom (England and Wales)</b>	Yes, ICACU will process such requests under Hague 1996 (if in scope) if the requesting state makes a follow up referral.
<b>United Kingdom (Northern Ireland)</b>	Any request would be forwarded to local social services
<b>United Kingdom (Scotland)</b>	A welfare check on the child can be requested under 1996 Hague Convention and actioned by Social Services
<b>United States of America</b>	In the United States, family law and child protection matters are generally governed by the states and/or local jurisdictions. The USCA can assist families with identifying appropriate child protection resources when facilitating a safe return under the 1980 Convention. The resources might include, but are not limited to, those available through the National Center of Missing and Exploited Children, International Social Services, and/or local public and private entities. These other resources may provide reports..
<b>Uruguay</b>	The Central Authority could request a report from social services or competent authorities
<b>Venezuela</b>	La ACV, a través del Instituto Autónomo del Consejo Nacional de Derechos de Niños, Niñas y Adolescentes, podría requerir de dicha autoridad competente el informe sobre el estado post-retorno del niño, niña o adolescente. Pese a que aún no se ha realizado; no existe alguna prohibición legal al respecto.

### 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? <sup>10</sup>

No

<sup>10</sup> 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](http://www.hcch.net) (see path indicated in note 7).

China (Hong Kong SAR), China (Macao SAR), Cyprus, El Salvador, Georgia, Italy, Montenegro, Poland, South Africa

Yes

Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Honduras, Iceland, Israel, Jamaica, Japan, Latvia, Lithuania, New Zealand, Panama, Peru, Portugal, Singapore, Slovakia, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela

Please specify:

<p><b>Argentina</b></p>	<p>The Argentine Republic has promoted the creation of the Latin American Network of Central Authorities, which purpose is to establish a permanent consultation space that is managed directly and exclusively by Central Authorities, create a board of central authorities, in the accordance with agreements in which they have been designated, hold periodic meetings at the request of the members of the Network, in order to analyze the challenges of international judicial cooperation on different topics, share good practices, promote the creation and development of international instruments on different topics, in consonance with Latin American legal traditions, address the study of international judicial cooperation from a gender perspective, promoting its mainstreaming.</p> <p>With these objectives, the Ministry of Foreign Affairs, International Trade and Worship organized the First Meeting of the Latin American Network of Central Authorities, between September 14 and 15, 2022, in the city of Santa Fe de la Vera Cruz, which developed successfully, in an environment of the highest respect and cordiality. In addition to the Office of International Legal Assistance, the Central Authorities of Chile and Uruguay participated in the meeting.</p> <p>On that occasion, the Letter of Intent for the creation of the Latin American Network of Central Authorities was signed in Santa Fe de la Vera Cruz, September 15, 2022.</p> <p>Professional profiles of the agents of the Central Authority: The professionals who work in the Central Authority participate in forums, work groups and common dialogue spaces, which makes it possible to have a fluid exchange regarding new challenges, new regulations, good practices, case management, etc. with their colleagues from around the world.</p> <p>Furthermore, the professional profiles, for the most part, have postgraduate, masters and doctoral studies in related subjects, and knowledge of foreign languages: English, Italian, French and Portuguese at work level. They also participate in academic activities in related subjects, such as university teaching (undergraduate and graduate level), research, academic associations, and publications.</p> <p>This has made it possible to strengthen the participation in academic activities and professional training of public officials with and towards the actors that participate in international legal cooperation mechanisms.</p>
<p><b>Australia</b></p>	<p>The ACA has regular contact with many overseas Central Authorities to discuss matters of mutual interest such as administrative procedures, legal and policy frameworks. The ACA also regularly attends international</p>

	meetings and Conferences to share its experience with the Children's Conventions and to learn from other Central Authorities.
<b>Belgium</b>	Participation à la réunion annuelle des autorités centrales désignées pour l'application du Règlement 2019/1111 organisée dans le cadre du Réseau judiciaire européen en matière civile et commerciale.  Organisation de la commission mixte belgo-marocaine en 2018.
<b>Brazil</b>	Yes, recently, the Brazil CA participated in an event with CAs from the United States, Canada, Australia, and the United Kingdom, which are countries that adopt the common law system, to share experiences about the proceedings under the 1980 Hague Convention.
<b>Bulgaria</b>	in the frame of EU or in other projects - EUROMED, for example
<b>Canada</b>	<p>Canada has made itself available to other CAs through e-mail exchanges, teleconferences, videoconferences and face-to-face meetings where feasible. The exchanges varied based on the level of experience and knowledge of the other CA and the purpose of the meeting. Canada recognizes the value of these meetings as an opportunity to develop a closer working relationship with certain Contracting parties, and share best practices under the Convention.</p> <p>Canada has organized and participated in various networking initiatives amongst CAs. At the domestic level, quarterly meetings of the 14 Canadian CAs are organized where CAs discuss and exchange ideas, procedures and good practices. From time to time, in-person meetings of Canadian CAs are also convened. Throughout these initiatives, other important stakeholders such as those who lead on Hague policy matters, law enforcement, border, passport and immigration officials are also invited to participate.</p> <p>In 2019, Canada organized and hosted 2 national meetings involving 1) Canadian CAs and representatives from various federal departments, and 2) Canadian CAs and the US CA. Each meeting was an opportunity to exchange good practices and to learn about the roles and responsibilities of the CAs within Canada and the US CA.</p> <p>In October 2020, Canada organized a video call with the Mexican CA. This provided an opportunity for the CAs of both countries to have a detailed exchange on operational practices and unique aspects of the respective legal systems that apply in the processing of 1980 Convention applications. The two States had agreed to exchange questions in advance on various important topics covering roles of CAs as both requesting and requested States and the operation of the Convention in both States.</p> <p>In March 2023, the Federal CA, the Manitoba CA as well as one of Canada's IHNJ judge participated virtually in a conference on international parental child abduction organized by a IHNJ judge for Brazil. The conference included participation from CAs, judges as well as NGOs working on issues related to child abduction. Representatives from the UK, the US, Australia and Brazil also participated in the conference.</p>
<b>Chile</b>	We are in constant online communication with several Central Authorities in our region, especially Peru, Argentina and Venezuela. In September of 2022, the Chilean Central Authority participated in a meeting organized by Argentina.
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	As Central Authority we are constantly arranging meetings with other Central Authorities in which we discuss our experiences and particular

	cases. Moreover, we organize conversatories and we invite other Central Authorities.
<b>Costa Rica</b>	Virtual Meetings with the US Central Authority and some with the Nicaraguan Central Authority, in this was included the Network Judge
<b>Cyprus</b>	
<b>Czech Republic</b>	Participation in the meetings of EJN regarding the Brussels IIb regulation Close cooperation with neighboring states
<b>Denmark</b>	Nordic Meetings every year, and bilateral meetings
<b>Dominican Republic</b>	The Dominican Central Authority has participated directly, and also online, in various activities organized by the HCCH Regional Secretariat for Latin America and in activities organized by Central Authorities from other regions, with the aim of training, case studies, etc. .
<b>Ecuador</b>	With the US, work tables are held.
<b>El Salvador</b>	
<b>Estonia</b>	Once a year a meeting of the EJN-civil is dedicated to discussing the application of the Brussels IIa and IIb Regulations and the 1980 Convention. The meetings are in particular attended by the EJN-civil contact points, Central Authorities and contact judges
<b>Finland</b>	Annual Nordic meetings and Finland-Estonia meetings in person.
<b>France</b>	L'autorité centrale française a organisé ou participé à des réunions bilatérales avec ses homologues étrangers sur la coopération en matière civile. A l'occasion de ces réunions, la qualité de la coopération familiale, les améliorations possibles et des situations spécifiques de déplacements illicites d'enfants sont évoquées. Ces réunions ont pu avoir lieu tant en présentiel que dans le cadre d'échanges en ligne plus informels. Une réunion annuelle a également lieu à l'initiative du Réseau Judiciaire Européen en matière Civile et Commerciale (RJECC) et de la Commission Européenne, afin de discuter plus précisément au sein de l'Union Européenne des instruments de coopération en matière familiale, dont la Convention de 1980 et son application. La France participe à ces réunions dont la dernière s'est tenue les 13 et 14 mars 2023.
<b>Georgia</b>	
<b>Germany</b>	<p>The German Central Authority regularly shares experiences with other Central Authorities. This includes bilateral meetings, EU and international projects, meetings in the framework of the EJN and the Hague Conferences. During the pandemic most of these activities took place online whereas if possible the personal contact is considered particularly valuable.</p> <p>In connection with the annual plenary meeting of Central Authorities under the Brussels IIa/b Regulations in the EJN, the European Commission arranges for bilateral meetings between Central Authorities with a view to discussing and resolving pending cases.</p>
<b>Honduras</b>	The most recent meeting establishing network initiatives was on October 2022 with US Central Authority who came to visit Honduras. This event was organized and coordinated together with the Regional Office for Latin America and the Caribbean (ROLAC) and the participation of the Central Authority of Paraguay, Nicaragua and Brasil virtually. With US Central Authority we keep meeting virtually once a month to speak about the cases, good practices application and experiences exchanges.
<b>Iceland</b>	The Central Authorities in the Nordic Countries meet once a year to exchange experiences.
<b>Israel</b>	Plans by Israel to hold meetings with a number of other Central Authorities were curtailed and/or postponed as a result of the Covid-19 pandemic. It was, however, able to organize and/or participate in a number of



	meetings, including: 1) in-person meeting with the Central Authority for Georgia 2) in-person meeting with the Central Authority for Philippines 3) video conferences with the Central Authorities for France, Brazil, Mexico, Costa Rica, Philippines, Australia and the United States. 4) multi-lateral video conference between Israel, Ukraine, United States and Germany
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	JCA hosted in-person in 2017 and online in 2021, Asia-Pacific regional seminars on the 1980 Hague Convention, providing opportunities to share information with the Central Authorities of more than 10 countries. Furthermore, these seminars introduced non-members in the Asia-Pacific region to the 1980 Hague Convention and related issues. As indicated in the response for 2-g), JCA also have held bilateral video conferences with other Central Authorities.
<b>Latvia</b>	By attending and participating in meetings organized by the EJN-civil that once per year are dedicated to discussing the application of the Brussels IIa and IIb Regulations and the 1980 Convention.  Also by attending HCCH roundtable Return and access applications concerning temporarily relocated children outside Ukraine with an accompanying parent" which took place remotely on 18 January 2023. "
<b>Lithuania</b>	Our specialists participate in person in all meetings organized by Hcch. We also participated on 18/01/2023 (online) in the Roundtable discussion with Central Authority of Ukraine, regarding return and access applications concerning temporarily relocated children outside Ukraine.
<b>Montenegro</b>	
<b>New Zealand</b>	The New Zealand CA has participated in conferences facilitated by the HCCH Asia Pacific Regional Office which has been very helpful in establishing good relationships between member States.  The New Zealand CA shares its experience with States and has constructive discussions on matters of mutual interest particularly with States within the Asia Pacific region.  The New Zealand CA has regular contact with other Central Authorities to discuss matters of mutual interest.
<b>Panama</b>	
<b>Peru</b>	We exchange information and have virtual working meetings with Central Authorities with whom we have more cases.
<b>Poland</b>	n/a
<b>Portugal</b>	European Union meetings
<b>Singapore</b>	The Singapore Central Authority participated in the Web Seminar on the 1980 Hague Abduction Convention in Asia Pacific organised by the Hague Conference of Private International Law in March 2021 as well as the World Congress 2021 Through the Eyes of a Child (8th Family Law & Children's Rights Conference).  The Singapore Central Authority has also met with Australia and Japan Central Authority.
<b>Slovakia</b>	Meeting with representatives of EU Member States.
<b>South Africa</b>	It should be considered
<b>Spain</b>	Last meetings: Paraguay, France, USA, and EU countries in the EJN Meetings

<b>Switzerland</b>	Oui, cela arrive relativement régulièrement.
<b>Türkiye</b>	There has been a productive online meeting with the US Central Authority in April 2021.
<b>Ukraine</b>	In January 2023 a Roundtable was held for the representatives of the CAs in EU countries and Ukraine, which was organized under the request of our CA by the PB. The aim of the meeting was to discuss the situation and challenges with operation of the 1980 Convention which had been raised in 2022. The possibility to discuss at the meeting with other Central authorities in Europe the current challenges of the Central authority of Ukraine is experiencing in processing return and access applications under the 1980 Convention in the light of the exceptional circumstances surrounding the war in Ukraine and to exchange views become extremely useful and helpful for enforcement of the 1980 Convention. The obtained information help us in providing assistance to the left-behind parents from Ukraine who are seeking the return of their children to Ukraine.
<b>United Kingdom (England and Wales)</b>	<p>ICACU is happy to share information about best practice and procedure in the spirit of co-operation and does so regularly in the context of specific cases.</p> <p>Since 2017, ICACU has been involved in a number of initiatives including the following:  October 2018 Jamaica,  2019 Morocco,  2022 Norway and Barbados (separately),  2023 Brazil and Ukraine (separately).</p> <p>ICACU has found that attendance at the EU European Judicial Network in Civil and Commercial Matters (EJN) meetings provides a useful opportunity to meet with Central Authorities of the European Union member states in between Special Commission meetings (ICACU has been invited to attend since the UK's exit from the EU). Internal to the UK jurisdictions, Child Abduction Co-ordination Group, quarterly meeting of officials.</p>
<b>United Kingdom (Northern Ireland)</b>	NI CA have attended any Bi-lateral meetings requested of them
<b>United Kingdom (Scotland)</b>	Child Abduction Co-ordination Group - quarterly meeting of officials
<b>United States of America</b>	The USCA regularly meets with our central authority partners to share our experiences. When we host representatives of a foreign central authority, we often arrange for them to meet with U.S. judges, nongovernmental organizations, child welfare agencies, and family law practitioners in addition to the staff of the USCA to help explain the larger context of the U.S. legal system as well as the workings of the USCA itself in processing Convention cases. We also regularly schedule working level meetings between officers in the USCA and their counterparts in our partner central authorities. These meetings may be in person or through digital videoconferencing or teleconferences. We also regularly attend conferences and meetings with other central authority participants so we can enjoy both formal and informal networking and information sharing.
<b>Uruguay</b>	We have participated in Central Authorities meetings organized by the ROLAC - HCCH, IBERRED, INN, RLAC, and bilateral meetings.
<b>Venezuela</b>	En un aspecto inicial, solo a los efectos de reuniones para verificar casos de cooperación jurídica internacional, tal es el caso de la plataforma digital "IBERRED", cuya intención era atender como punto de contacto temas de sustracción entre otras. No obstante, resultaría necesario retomar esa plataforma, para agilizar procesos que contribuirían a la solución de casos de forma inmediata.

## 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

Brazil, Chile, China (Hong Kong SAR), Estonia, Georgia, Montenegro, South Africa, Uruguay

Yes

Argentina, Australia, Belgium, Bulgaria, Canada, China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Germany, Honduras, Iceland, Israel, Italy, Japan, Latvia, Lithuania, New Zealand, Panama, Peru, Portugal, Singapore, Slovakia, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Venezuela

Please specify and share the relevant instruments whenever possible:

<b>Argentina</b>	Regarding the documentation management, the International Legal Assistance Directorate carries out a preliminary classification of incoming documentation and categorization of priority tasks. The documentation is manually classified into Emergency, Very Urgent, Urgent and Normal. Although an attempt is made to speed up all the requirements, given the amount of incoming and outstanding documentation, it is necessary to make this classification in order to give priority attention to cases, which, depending on the fact being investigated, the sensitivity or the measure that is requested requires its completion on the day.
<b>Australia</b>	The ACA has internal administrative procedures in place to ensure the prompt handling of cases.
<b>Belgium</b>	
<b>Brazil</b>	
<b>Bulgaria</b>	different internal tables, electronic systems. Not completed yet.
<b>Canada</b>	Many Canadian CAs have developed their own internal processes for dealing with incoming and outgoing cases, for example, internal procedure manuals or internal policies. Some have also developed their own forms for return or access applications under the Convention.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	As mentioned above, in 2015 and 2022, the Central Authority of the Macao SAR elaborated process guidances for cases of international child abduction regarding applications for the return of the child and access, respectively, based on the Guide to Good Practice under the 1980 Convention.
<b>Colombia</b>	As Central Authority we created an internal guideline for the Administrative Authorities in which we present the general procedure that must be follow for the incoming cases.
<b>Costa Rica</b>	Yes in 2021, PANI did a Protocol to establish the incoming and outgoing cases, and this protocol can be find in <a href="https://pani.go.cr/sustraccion-y-o-visitass-internacionales/">https://pani.go.cr/sustraccion-y-o-visitass-internacionales/</a> .
<b>Cyprus</b>	see question 4. above
<b>Czech Republic</b>	Internal methodological recommendation for case workers

<b>Denmark</b>	The Central Authority operates with standardized letters and guidelines on how to process both incoming and outgoing cases.
<b>Dominican Republic</b>	We are working on updating our internal protocol to indicate the measures that the Dominican Central Authority takes when a child or adolescent has been illegally transferred or is being retained and is returned to their habitual residence.
<b>Ecuador</b>	Internal protocol for handling the International Restitution process.
<b>El Salvador</b>	La Procuraduría General de la República ha elaborado el "Manual de Aplicación del Convenio de La Haya sobre los Aspectos Civiles de la Sustracción Internacional de Menores".
<b>Estonia</b>	
<b>Finland</b>	Central Authority has produced internal guidelines and flowcharts on incoming and outgoing cases.
<b>France</b>	L'autorité centrale française a élaboré des fiches relatives à l'ouverture des dossiers de déplacement et à leur suivi à usage interne, afin de disposer d'un référentiel commun pour les documents nécessaires et de faciliter le suivi des situations. Les dossiers en cours font également l'objet d'un suivi statistique interne (tableur excel). Par ailleurs, l'Autorité Centrale française a élaboré un vadémécum à usage interne décrivant le processus de l'ouverture à la clôture d'un dossier, afin que soit assuré un traitement efficace et uniforme de l'ensemble des dossiers entrants et sortants.
<b>Georgia</b>	The Central Authority of Georgia elaborated and the Government of Georgia approved the Ordinance no663 on the referral and enforcement mechanism of the cases of wrongful removal/retention or right to access of the child. This document is a management tool for the processing of incoming and outgoing child abduction cases. Moreover, it should be underlined that the Central Authority of Georgia is going to finish its work on the preparation of internal guidelines on the examination of incoming and outgoing cases.
<b>Germany</b>	There are internal guidelines and forms for the processing of incoming and outgoing cases. They are compiled and regularly updated in an internal handbook.
<b>Honduras</b>	We currently have a guide for the application of the 1980 Convention, however, it is under review. Likewise, DINAF, as the Central Authority, is promoting the creation of a special law for the application of the 1980 Convention both in the Administrative Campus and in the Courthouse.
<b>Iceland</b>	
<b>Israel</b>	<p>The ICA has internal guidelines for processing cases, which provide for expeditious handling of cases at all stages, strict monitoring to avoid delays, prompt facilitation of legal representation, regular updating of requesting Central Authorities, prompt involvement of other authorities where necessary (eg. police or welfare), requesting updates on the status of court proceedings, active participation in coordinating and ensuring execution of return orders where necessary.</p> <p>In addition, lawyers and legal interns receive training sessions on processing cases.</p>
<b>Italy</b>	Practical and essential general rules on processing application are applied
<b>Jamaica</b>	
<b>Japan</b>	JCA has a standard guideline for the expeditious processing of the cases. For example, the notice of receipt of the application is sent to the applicant within 2 days from the receipt of the application. JCA then decides whether to accept or reject the application, or to request the applicant to submit additional documents or evidences to support his application within 2 weeks from the receipt of the application. Also, JCA

	starts the procedure for locating the child immediately after receiving the application.
<b>Latvia</b>	Internal case management system operates to process incoming and outgoing requests
<b>Lithuania</b>	We have issued and confirmed by Director of Central Authority order No BV-9 dated 07/01/2021 the description of procedure of processing the applications under Hague Convention. Moreover, our authority currently is on the way of starting to apply the Process Management and therefore currently we are preparing the process of processing of applications under Hague Convention ( <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/41fda341572511eba1f8b445a2cb2bc7?jfwid=bj9qo6uqy">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/41fda341572511eba1f8b445a2cb2bc7?jfwid=bj9qo6uqy</a> ).
<b>Montenegro</b>	
<b>New Zealand</b>	The New Zealand CA and courts have internal procedures and guidelines in place to ensure the prompt handling of cases. The guidelines and protocols are reviewed and updated.
<b>Panama</b>	
<b>Peru</b>	Directive No. 006-2021-MIMP, Directive for the administrative handling of requests for return and international access under the Convention on the Civil Aspects of International Child Abduction (The Hague, 25 October 1980).
<b>Poland</b>	n/a
<b>Portugal</b>	we are systematizing the procedure
<b>Singapore</b>	There are internal protocols detailing timeframes that ensure expeditious handling of cases.
<b>Slovakia</b>	Internal guideline of our Central Authority, available only in Slovak language
<b>South Africa</b>	Standard operating procedures are being considered.
<b>Spain</b>	
<b>Switzerland</b>	Notre autorité centrale a élaboré des aides et listes internes pour faciliter le traitement des dossiers.
<b>Türkiye</b>	The Circular can be accessible from the link below : <a href="https://diabgm.adalet.gov.tr/Resimler/Dokuman/48202010405065-2%20Uluslararası%C4%B1%20%C3%87ocuk%20Ka%C3%A7%C4%B1rman%C4%B1n%20Hukukî%20Kapsam%C4%B1%20ve%20Uygulamas%C4%B1.pdf">https://diabgm.adalet.gov.tr/Resimler/Dokuman/48202010405065-2%20Uluslararası%C4%B1%20%C3%87ocuk%20Ka%C3%A7%C4%B1rman%C4%B1n%20Hukukî%20Kapsam%C4%B1%20ve%20Uygulamas%C4%B1.pdf</a>
<b>Ukraine</b>	In 2022 the special section was created on the webpage of the Centre for Free Legal Aid: <a href="https://wiki.legalaid.gov.ua/index.php/Вивезення_за_кордон_дітей_громадян_України_та_їх_повернення_в_Україну._Право_батьків_на_доступ_до_дитини">https://wiki.legalaid.gov.ua/index.php/Вивезення_за_кордон_дітей_громадян_України_та_їх_повернення_в_Україну._Право_батьків_на_доступ_до_дитини</a> . The applicants could find all information about the Convention, the order of submission of return or access applications as well as all necessary forms of applications.
<b>United Kingdom (England and Wales)</b>	Applicants are encouraged to use a central e-mail address set up specifically for new applications.  All new applications are reviewed on day of receipt and the appropriate internal target for processing them is given. The targets are 3 working days for incoming return applications, 7 working days for outgoing return applications and 15 working days for all other applications/requests.  ICACU uses precedent correspondence (standard letters) to assist in the efficient processing of applications and associated correspondence.
<b>United Kingdom (Northern Ireland)</b>	We have internal processes and protocols in place that direct how we process application, both incoming and outgoing.

<b>United Kingdom (Scotland)</b>	Internal guide on how to process an application
<b>United States of America</b>	The U.S. Department of State has developed and maintains its own internal protocols and guidance materials.
<b>Uruguay</b>	
<b>Venezuela</b>	La ACV cuenta con una Base de Datos de casos de solicitudes de restitución, tanto de solicitudes como País Requiriente como País Requerido.

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

**No**

Bulgaria, Dominican Republic, El Salvador, Estonia, Germany, Ukraine, Uruguay

**Yes**

Argentina, Australia, Belgium, Brazil, Canada, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Georgia, Honduras, Iceland, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, Montenegro, New Zealand, Panama, Peru, Poland, Singapore, Slovakia, Spain, Switzerland, Türkiye, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Venezuela

**Please specify:**

<b>Argentina</b>	The International Legal Assistance Office is analysing how to update its computerized case management system in order to be able to provide more accurate statistics with a higher level of disaggregated data.
<b>Australia</b>	The ACA has a case management system called IFaM.
<b>Belgium</b>	Une banque de donnée établie en Excel reprend les informations utiles pour chaque dossier.
<b>Brazil</b>	SEI system. SEI (Sistema Eletrônico de Informações) is an electronic information management system used by the Ministry of Justice in Brazil. It is a tool that allows for the electronic management of documents and processes, making it easier to store, organize, and share information. The SEI system is used by several departments within the Ministry of Justice, including the Department of Human Rights, the National Department of Penitentiary Policy, and the Department of Asset Recovery and International Legal Cooperation, among others.
<b>Bulgaria</b>	
<b>Canada</b>	All CAs have a filing system to process and track open and closed files.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	We operate an internal case management system whereby the counsel responsible for the case is required to insert details of the case. We also keep case schedules to which counsels are required to make regular status updates.
<b>China (Macao SAR)</b>	All international child abduction cases were recorded.
<b>Colombia</b>	As Central Authority we have an internal Misional Information System (SIM) in which we register the cases and we can see the current status of the case and do permanente follow-up.
<b>Costa Rica</b>	We use an excell sheet in which we have all the information. Is not a system" but it works for us."



<b>Cyprus</b>	E - oasis system is used (Electronic Office Automation System and Integrated Services) developed though public service in general.
<b>Czech Republic</b>	All files are processed within the electronic file service.
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	If the unified EU case management system will be developed we will be parties to it
<b>Finland</b>	Finnish Central Authority operates with electronic system.
<b>France</b>	L'Autorité centrale française dispose d'un applicatif métier qui permet l'enregistrement des dossiers et la conservation des caractéristiques essentielles des dossiers dans le respect du règlement général sur la protection des données. Il est associé aux dossiers papiers (qui ont toutefois vocation à disparaître en raison de la dématérialisation progressive), ainsi que des tableurs excels pour les statistiques.
<b>Georgia</b>	Georgian Central Authority produces electronic database of child abduction statistics and records detailed information on incoming and outgoing child abduction cases.
<b>Germany</b>	
<b>Honduras</b>	DINAF as Central Authority designed has guidelines, process and procedures to the management of cases in the application of 1980 Convention as a requesting state and as a required state. It is cheked that each application comes with the requirements based on the Article 8. Met these requirements we assigned the correspondent file number and we give this file to the follow up oficer for it processing.
<b>Iceland</b>	
<b>Israel</b>	The ICA has an electronic case management system.
<b>Italy</b>	Each incoming and outgoing case is registred in an electronic archive with its data
<b>Jamaica</b>	
<b>Japan</b>	JCA has a management system in place to assign case officers to individual cases, to follow up on their respective incoming and outgoing cases with appropriate measures. In the event that a case officer is absent, other case officers keep track of the cases.
<b>Latvia</b>	Please see 25.
<b>Lithuania</b>	All documents and applications (received and sent) are registered in system for documents management DBSIS. The applications (incoming and outgoing) are also registered in our database of applications under Hague Convention VTAITIS. We are in process of preparing now the new one database system for tracking incoming and outgoing cases.
<b>Montenegro</b>	The Ministry of Justice, as the Central uthority, has an electronic record of mutual legal assistance cases - Document management system LURIS.
<b>New Zealand</b>	The NZ Central Authority is responsible for monitoring individual cases from receipt of the case until determination. That is ,until the child has safely departed New Zealand.
<b>Panama</b>	
<b>Peru</b>	Incoming or outgoing cases are followed up when warranted.
<b>Poland</b>	The PCA uses electronic document management (EZD).
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	Internal electronic case management system

<b>South Africa</b>	A refined caseload and tracking system will be considered
<b>Spain</b>	
<b>Switzerland</b>	
<b>Türkiye</b>	The Turkish Central Authority uses the UYAP (National Judiciary Informatics System) software, which is integrated with all courts and public prosecutor offices, for the purpose of documentation and correspondence. A database runs on Microsoft Access is used for the statistics.
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	ICACU uses the case management system of the Office of the Official Solicitor and Public Trustee, where ICACU is located, which is not a bespoke system solely for abduction cases.
<b>United Kingdom (Northern Ireland)</b>	We maintain an internal register to track and monitor all application, both incoming and outgoing.
<b>United Kingdom (Scotland)</b>	This is a manual system that records details of when cases are received, what solicitor the case is sent to, and the outcome
<b>United States of America</b>	The USCA uses an electronic database developed within U.S. Department of State.
<b>Uruguay</b>	However, we are developing a new software that would help us to process and track the cases.
<b>Venezuela</b>	A través de la Base de Datos de casos activos, e incluso, mediante el correo electrónico destinado exclusivamente para enviar y recibir las solicitudes de  restitución, de régimen de visitas o derechos de contacto.

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)?<sup>11</sup>

No

Chile, Ecuador

Yes

Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, Montenegro, New Zealand, Panama, Peru, Poland, Portugal, Singapore, Slovakia, South Africa, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela

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

<b>Argentina</b>	The International Legal Assistance Office is analysing how to update its computerized case management system in order to be able to provide more accurate statistics with a higher level of disaggregated data.
<b>Australia</b>	Limited information is published in the Attorney General's Department's Annual Reports, see: <a href="https://www.ag.gov.au/about-us/accountability-and-reporting/annual-reports">https://www.ag.gov.au/about-us/accountability-and-reporting/annual-reports</a> .
<b>Belgium</b>	Résumé des statistiques disponible sur le site: <a href="https://justitie.belgium.be/nl/themas_en_dossiers/kinderen_en_jon">https://justitie.belgium.be/nl/themas_en_dossiers/kinderen_en_jon</a>

<sup>11</sup> 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.

	geren/internationale_kinderontvoering/statistieken (en néerlandais) <a href="https://justice.belgium.be/fr/themes_et_dossiers/enfants_et_jeunes/enlevement_international_denfants/statistiques">https://justice.belgium.be/fr/themes_et_dossiers/enfants_et_jeunes/enlevement_international_denfants/statistiques</a> (en français)
<b>Brazil</b>	Currently, we do not have a dedicated data collection system in place. Our data collection efforts are sparse and lack central control. As previously mentioned, the SEI system solely manages case procedures and is inadequate for effectively managing and presenting data related to cases.
<b>Bulgaria</b>	for internal annual reports for Ministry of Justice
<b>Canada</b>	The information is not publicly available with the exception of the Annual Report of the Québec CA which was published for the first time for 2020-2021. - <a href="https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/justice/publications-adm/rapports/acq/RA_ACQ_2020-2021_MJQ.pdf">https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/justice/publications-adm/rapports/acq/RA_ACQ_2020-2021_MJQ.pdf</a> - <a href="https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/justice/publications-adm/rapports/acq/RA_ACQ_2021-2022_MJQ.pdf">https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/justice/publications-adm/rapports/acq/RA_ACQ_2021-2022_MJQ.pdf</a>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	The information is not publicly available.
<b>China (Macao SAR)</b>	
<b>Colombia</b>	This information is not public.
<b>Costa Rica</b>	It's not public because we have a law that requires data protection.
<b>Cyprus</b>	Available only by request upon communication with the CA.
<b>Czech Republic</b>	Some data are included in the annual reports of the Central Authority.
<b>Denmark</b>	<a href="https://english.boernebortfoerelse.dk/statistics">https://english.boernebortfoerelse.dk/statistics</a>
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	Información no disponible públicamente.
<b>Estonia</b>	via excel
<b>Finland</b>	Finnish Central Authority gathers statistics internally. Statistics are not published, but on request they are served.
<b>France</b>	Les données statistiques sont recueillies pour l'établissement des statistiques internes (rapport d'activité interne) et à destination de la HCCH. Les statistiques détaillées ne sont pas diffusées au public ; en revanche, le rapport d'activité de la Direction des Affaires Civiles et du Sceau contient des statistiques sur les dossiers d'enlèvements internationaux d'enfants (nombre de dossiers, délais de traitement, décisions rendues...) et est publié et disponible sur le site internet du ministère de la justice.
<b>Georgia</b>	statistical information is available at: <a href="https://justice.gov.ge/?m=articles&amp;id=5indu2LCrB">https://justice.gov.ge/?m=articles&amp;id=5indu2LCrB</a>
<b>Germany</b>	The German Central Authority collects such data with regard to applications where the German Central Authority was involved. Therefore, when looking at these figures one has to bear in mind that the data do not contain applications without the involvement of the Central Authority.  Statistics regarding the previous years are published on the CA's website: <a href="https://www.bundesjustizamt.de/EN/Topics/FamilyMattersInternational/Custody/Statistics/Statistics_node.html">https://www.bundesjustizamt.de/EN/Topics/FamilyMattersInternational/Custody/Statistics/Statistics_node.html</a>
<b>Honduras</b>	UTECH has a register and data base of incoming cases and resolved cases per each year.
<b>Iceland</b>	
<b>Israel</b>	

<b>Italy</b>	<a href="http://www.centrostudinisida.it/Statistica/ArchivioSottrazione.html">http://www.centrostudinisida.it/Statistica/ArchivioSottrazione.html</a>
<b>Jamaica</b>	<a href="http://www.childprotection.gov.jm">www.childprotection.gov.jm</a>
<b>Japan</b>	For both incoming and outgoing cases, statistics is kept on the number of applications for return and visitation cases. Such data is regularly updated on the Ministry of Foreign Affairs website.
<b>Latvia</b>	Available (only in Latvian) at: <a href="https://www.tm.gov.lv/lv/statistika">https://www.tm.gov.lv/lv/statistika</a> , Also at: <a href="https://www.tm.gov.lv/lv/media/10409/download?attachment">https://www.tm.gov.lv/lv/media/10409/download?attachment</a> .
<b>Lithuania</b>	The detailed statistical information is available in the annual reports of State Child Rights Protection and Adoption Service ( <a href="https://vaikoteises.lrv.lt/lt/administracine-informacija/ataskaitos/metines-veiklos-ataskaitos">https://vaikoteises.lrv.lt/lt/administracine-informacija/ataskaitos/metines-veiklos-ataskaitos</a> )
<b>Montenegro</b>	Luris - the system for monitoring cases of mutual legal assistance provides the possibility of collecting statistic
<b>New Zealand</b>	
<b>Panama</b>	it is not public domain
<b>Peru</b>	We have a table showing incoming and outgoing cases by year.
<b>Poland</b>	n/a
<b>Portugal</b>	This information is not reserved, but is not publicly made available
<b>Singapore</b>	
<b>Slovakia</b>	Statistical data is a part of Annual report of our Central Authority available on <a href="http://www.cipc.gov.sk">www.cipc.gov.sk</a>
<b>South Africa</b>	Information is not made public
<b>Spain</b>	
<b>Switzerland</b>	Les statistiques se trouvent à l'adresse suivante: <a href="https://www.bj.admin.ch/bj/fr/home/gesellschaft/kindesentfuehrung.html">https://www.bj.admin.ch/bj/fr/home/gesellschaft/kindesentfuehrung.html</a> .
<b>Türkiye</b>	
<b>Ukraine</b>	The statistical data are included in the annual report of the Ministry of Justice of Ukraine on its activity each year.
<b>United Kingdom (England and Wales)</b>	Statistics are published by the Royal Courts of Justice on the number of 1980 Hague applications handled each calendar year (according to case type) and the case outcome on cases closed each year.  <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091791/RCJ_Tables_2021.ods">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091791/RCJ_Tables_2021.ods</a> Tables 7.1 and 7.2
<b>United Kingdom (Northern Ireland)</b>	Stats are maintained locally but we also update INCASTAT
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	The USCA reports to the United States Congress annual statistics on outgoing cases. The United States' Annual Report on International Child Abduction is available on our website ( <a href="https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html">https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html</a> ). Data on incoming cases is also available on our website.
<b>Uruguay</b>	Incoming cases: <a href="https://www.poderjudicial.gub.uy/gestion/restitucion-de-menores.html">https://www.poderjudicial.gub.uy/gestion/restitucion-de-menores.html</a>
<b>Venezuela</b>	No, solo está disponible para la Conferencia de la Haya, de manera interna

Transfrontier access / contact<sup>12</sup>

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

Australia, Bulgaria, Chile, China (Hong Kong SAR), Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, Georgia, Germany, Honduras, Iceland, Israel, Italy, Jamaica, Lithuania, Montenegro, New Zealand, Peru, Poland, Portugal, Singapore, Slovakia, South Africa, Switzerland, United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay

Yes

Argentina, Belgium, Brazil, Canada, China (Macao SAR), Colombia, Costa Rica, El Salvador, Estonia, France, Latvia, Panama, Spain, Türkiye, Ukraine, United Kingdom (England and Wales), Venezuela

Please specify:

<p><b>Argentina</b></p>	<p>It depends on the procedural law of each jurisdiction inside Argentina. We did not have significant changes, but the advancement of technology helps to establish contact between children and non-cohabiting parents.</p> <p>Observations: As of 2017 there have been significant changes thanks to the advancement of technology, nowadays children have contact with the left-behind parent during the proceedings provided this is in their best interest.</p> <p>Publication of the Regulatory Compendium: In 2022, the First Edition of the Regulatory Compendium of International Restitution of Children and Adolescents and the regime of international visits or cross-border contact was published. It consists of a brief introduction about the processes of international restitution and international visits, international treaties on the matter, and provincial procedural laws.</p> <p>On December 15, 2021, the VIII International Legal Cooperation Seminar was held at the Manuel Belgrano Auditorium of this Ministry of Foreign Affairs, International Trade and Worship, which was attended by more than 100 people in person and more than 150 in virtual format, including judges, prosecutors, officials of foreign Representations, officials of Representations abroad, academics, legal advisers and those interested in the topics.</p> <p>On September members of the restitution team participate in the International Restitution Workshop Seminar organized by the Supreme Court of Paraguay.</p> <p>On November 1, 2022, the IX Seminar on International Legal Cooperation was held at the Manuel Belgrano Auditorium of this Ministry of Foreign Affairs, International Trade and Worship, which was attended by more than 180 people in person and more than 280 in virtual format, including judges, prosecutors, officials of foreign Representations, officials of Representations abroad, academics, legal advisers and those interested in the topics.</p>
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<sup>12</sup> See C&R Nos 18-20 of the 2017 SC.

	<p>In 2022, officials from the Office of International Legal Assistance participated, as speakers, in the Conversation Cycle of Talks on International Legal Cooperation" organized by the Supreme Council of Justice of the Autonomous City of Buenos Aires within the framework of the Transfer Commission of the Judiciary of the Nation and the Public Ministry of the Nation to the Autonomous City of Buenos Aires.</p> <p>Finally, like every year, officials from the Office of International Legal Assistance participate in training sessions for the scholarship holders of the Institute of the Foreign Service of the Nation.</p> <p>Federal Institutional Reinforcement: In order to strengthen communication between the different actors involved in international legal cooperation mechanisms, National and Federal Judicial Powers of the Provinces of the Argentine Republic are being contacted in order to organize activities leading to the circulation and exchange of the aforementioned procedures and strengthen the federal link. This is important given the territorial extension of our country, the federal distribution of the administration of justice, and that any judicial body, within the framework of its powers, could request the articulation of an international legal cooperation mechanism."</p>
<b>Australia</b>	
<b>Belgium</b>	L'article 1322nonies/2 du Code judiciaire précise maintenant que le tribunal peut, à tout stade de la procédure, examiner si des contacts entre l'enfant et la personne qui demande le retour de l'enfant devraient être organisés, compte tenu de l'intérêt supérieur de l'enfant.
<b>Brazil</b>	As the Brazilian State is not a party to the 1996 Hague Convention, in specific cases there are some initiatives to obtain information on how agreement within Brazilian jurisdiction can be enforced in another State party to the 1980 Convention. In three specific cases this was done (Spain, United States and England)
<b>Bulgaria</b>	
<b>Canada</b>	<p>FEDERAL LEVEL: Former Bill C-78, An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act, which received royal assent in June 2019, included amendments to the Divorce Act that are applicable in cases of transfrontier access/contact. These amendments came into force on March 1, 2023:</p> <ul style="list-style-type: none"> <li>- The amended Divorce Act includes new terminology related to parenting, which emphasizes the responsibilities that parents have for their children. When deciding parenting arrangements based on the best interests of the child, a court will now make a parenting order for decision-making responsibility and parenting time. A spouse who had custody under the previous Divorce Act will now have decision-making responsibility and parenting time, and a spouse who had access will now have parenting time. A court can also make a contact order to allow a non-spouse, such as a grandparent, to spend time with a child of the marriage where it is not possible for them to see the child during either of the spouse's parenting time. A non-spouse must seek leave of the court to make an application for a contact order.</li> <li>- Please see the response to question 1 regarding Divorce Act provisions concerning jurisdiction, relocation, and supervised parenting orders and non-removal clauses in parenting orders which are also applicable in cases of transfrontier access/contact.</li> </ul>



<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	In 2022, the Central Authority of the Macao SAR elaborated a process guidance for international child abduction cases regarding access applications, based on the Guide to Good Practice under the 1980 Convention.
<b>Colombia</b>	The Colombian Central Authority lead the draft law to regulate the colombian procedure for the incoming Hague Return Cases. The draft is ready to be filed before the Colombian Congress.
<b>Costa Rica</b>	The judge explained about how the Central Authority should process the access case, in the resolution 935-2019 of the Family Court in the file 19-000444-0673-NA.
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	La entrada en vigencia de la Ley Crecer Juntos para la Protección Integral de la Primera Infancia, Niñez y Adolescencia, regula en su art. 71 la protección de niñas, niños y adolescentes, señalando que "las niñas, niños y adolescentes que han sido trasladados o retenidos ilícitamente tienen derecho a ser reintegrados a su medio familiar y a gozar de las visitas de sus progenitores y otros parientes, siempre que esto no contravenga el interés superior de aquellos"
<b>Estonia</b>	Needed changes according to Brllb
<b>Finland</b>	
<b>France</b>	<p>Le règlement (UE) 2019/1111 du Conseil du 25 juin 2019 relatif à la compétence, la reconnaissance et l'exécution des décisions en matière matrimoniale et en matière de responsabilité parentale et à l'enlèvement international d'enfants (dit Bruxelles II-ter) a introduit la possibilité, pour la juridiction saisie d'une procédure de retour, d'examiner à tout stade de la procédure si des contacts entre l'enfant et la personne qui demande le retour de l'enfant devraient être organisés, compte tenu de l'intérêt supérieur de l'enfant.</p> <p>La loi n° 2020-936 du 30 juillet 2020 visant à protéger les victimes de violences conjugales permet au juge aux affaires familiales, au juge d'instruction et au juge des libertés et de la détention de suspendre le droit de visite et d'hébergement d'un parent violent au titre des mesures civiles de protection et / ou au stade présentiel (articles 515-11 5° du code civil et 138 17° du code de procédure pénale). Le règlement (UE) n° 606/2013 du Parlement européen et du Conseil du 12 juin 2013 relatif à la reconnaissance mutuelle des mesures de protection en matière civile garantit par ailleurs la reconnaissance mutuelle des décisions civiles de protection des victimes de violences prononcées au sein de l'Union européenne.</p> <p>Enfin, la loi de programmation 2018-2022 et de réforme pour la justice (article 31) a intégré de nouvelles mesures afin d'améliorer l'effectivité des décisions en matière familiale dont les décisions accordant des droits de visite. Ces décisions peuvent désormais être assorties d'une astreinte ou d'une amende civile, et faire l'objet d'un recours à la force publique (articles 373-2, 373-2-6 du code civil) à l'instar des décisions relatives aux déplacements illicites et aux décisions de placement au titre de</p>

	l'assistance éducative.  Hormis ces modifications législatives, aucun changement important n'est intervenu concernant les pratiques de l'Autorité centrale, les règles procédurales ou la jurisprudence applicables aux affaires transfrontalières portant sur les droits de visite ou d'entretenir un contact.
Georgia	
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	Since 2022 the Civil Procedure Law allows the court, that has concentrated jurisdiction since 2015, to take provisional decision in order to prohibit to take the child out of the State. Please see the Article 644.18A of the Civil Procedure Law.
Lithuania	In 2018 the State Child Rights Protection and Adoption Service (the Central Authority) was reorganized. As the consequence the divisions of child rights protection services under the Municipalities were connected to State Child Rights Protection and Adoption Service and became the Territorial divisions of Central Authority. But this did not make the significant impact on cases of transfrontier access,
Montenegro	
New Zealand	
Panama	
Peru	
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	
Spain	Apart from the legal possibilities provided for under the Brussels IIb Regulation for intra-EU abductions, in Spain after 2015, and in accordance with Art. 778.quarter.8 of the Spanish LEC: The judge may agree throughout the proceedings, ex officio, at the request of the person initiating the proceedings or of the Public Prosecutor's Office, the appropriate precautionary measures and measures to secure the child that he or she deems appropriate in accordance with Article 773, in addition to those provided for in Article 158 of the Civil Code. In the same way, he or she may agree that during the proceedings the rights of the minor to stay or visit, relationship and communication with the plaintiff be guaranteed, even in a supervised manner, if this is in the interests of the child."
Switzerland	
Türkiye	See question 1.
Ukraine	In 2018 the Law of Ukraine "On Enforcement Proceedings" was amended. The changes have foreseen the possibility of enforcement of the court decisions on access.  In accordance with Article 64-1 of the Law the enforcement agent checks the enforcement by the debtor of the decision at the place of the meeting

	<p>and time determined by the decision. In case if they are not specified by the decision, then the check is carried out at the time and place of the meeting determined by the enforcement agent. In case the debtor does not enforce the decision without valid reasons, the enforcement agent draws up an act and issues a resolution imposing a fine on the debtor in the amount determined by the first part of Article 75 of this Law. The resolution states the requirement to enforce the decision and a warning about criminal liability. In case the debtor does not enforce repeatedly the decision without valid reasons, the enforcement agent concludes an act, issues a resolution imposing a double fine on the debtor, sends a notification to the pre-trial investigation body that the debtor has committed a criminal offense, applies for a temporary restriction of the debtor's right to leave the territory of Ukraine to the court, issues a reasoned resolution on establishing a temporary restriction of the debtor's right to drive vehicles (taking into account the restrictions provided for in part ten of Article 71 of this Law) and takes other measures to enforce the decision provided for by this Law.</p> <p>In the case of enforcement of the decision by the debtor, the enforcement agent draws up an act and issues a resolution on the termination of enforcement proceedings.</p> <p>If the debtor prevents the creditor`s meetings with the child in the future, the creditor has the right to apply to the enforcement agent with an application to resume enforcement proceedings. After the resumption of executive proceedings, the state executor shall again carry out the measures provided for in this article.</p>
<b>United Kingdom (England and Wales)</b>	The Legal Aid Agency has issued guidance confirming that Article 21 1980 Hague cases are in scope of free legal aid.
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	
<b>Uruguay</b>	
<b>Venezuela</b>	La reducción de los lapsos, prohibición de solicitar informes integrales, el adoptar medida de prohibición de salida del país del niño, niña o adolescente presuntamente sustraído o retenido ilegalmente, establecidos por la resolución N° 0019 del 2017, emanada del Tribunal Supremo de Justicia, son algunas de las herramientas procesales aplicables para este tipo de procesos, las cuales permiten que el mismo sea fluido y evita retrasos por las partes en litigio, procurando cumplir el tiempo establecido por el convenio.

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

China (Hong Kong SAR), China (Macao SAR), Costa Rica, Cyprus, Denmark, Ecuador, El Salvador, Estonia, Finland, Georgia, Honduras, Iceland, Italy, Jamaica, Japan, Montenegro, New Zealand, Panama, Peru, Poland, Singapore, Slovakia, Türkiye, United Kingdom (Northern Ireland), United Kingdom (Scotland)

Yes

Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Dominican Republic, France, Germany, Israel, Latvia, Lithuania, Portugal, South Africa, Spain, Switzerland, Ukraine, United Kingdom (England and Wales), United States of America, Uruguay, Venezuela

Please specify:

<b>Argentina</b>	Some countries, have a common practice of closing cases of violence that have not been sentenced, which can make it difficult to exercise the right of contact.
<b>Australia</b>	<p>Some jurisdictions will not accept an affidavit of law as to a requesting parent's rights of access as sufficient evidence to accept an application and require a determination of enforceability by a court before they will take action. It may be difficult for an Australian parent to obtain a determination of this kind from an Australian court as courts may be reluctant to exercise jurisdiction when a child is not in Australia. This has created difficulties for some parents.</p> <p>Access applications have been refused by overseas central authorities without providing reasons for refusal in accordance with Article 27 of the Convention.</p> <p>In some cases applications for access have been refused because there was no abduction that preceded the request.</p>
<b>Belgium</b>	<p>Avant l'entrée en vigueur de la Loi du 20 juillet 2022 certains tribunaux belges saisis d'une demande de retour ont estimé qu'ils n'étaient pas compétents pour organiser un droit de visite dans l'attente d'une décision sur le retour.</p> <p>De même d'autres Etats parties ont refusé de rendre des décisions tendant à organiser un droit de visite dans l'attente d'une décision définitive sur le retour.</p> <p>Certains Etats continuent à refuser de traiter les demandes de droit de visite en application de l'article 21 de la Convention s'il n'y a pas eu de déplacement illicite à l'origine et ce, malgré la recommandation 18 adoptée à l'issue de la réunion de la Commission spéciale de 2017.</p>
<b>Brazil</b>	While we typically receive few applications for access rights, we sometimes encounter indicators of violence against children in other countries. When such cases arise, we report the facts to the CA. However, since we lack jurisdiction outside of our own country, we can only advise parents to file a complaint with the local police where the child is located.
<b>Bulgaria</b>	trying to solve case in voluntary means usually using Social Services
<b>Canada</b>	- As mentioned above, the extent of the duties of CAs under art. 21 of the Convention is unclear and the practices vary greatly from one Contracting Party to another, - Legal aid, pro bono, or affordable legal representation may not be available to noncustodial parents which creates a hardship for some Convention applicants, - Some States have no means of enforcing access orders, - Mediation is offered in some States but may not result in an enforceable agreement, - Meaningful access is not provided for under the law of some States.
<b>Chile</b>	Countries where access/contact applications are only accepted if the same child has previously been the subject of an abduction application
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	

<b>Colombia</b>	Tthe Spanish Central Authority rejects the outgoing Hague Access cases that we send.
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	There aren't any effective tools to exercise the right of access - the judicial enforcement of decisions is not effective regarding the regular repeating of the contacts. The effort is to lead the parents to an amicable solution but mostly it does not work.
<b>Denmark</b>	
<b>Dominican Republic</b>	See our answer to question 5.
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	Il existe toujours un degré d'assistance très variable entre les États. L'aide apportée consiste généralement à informer le requérant ou l'autorité centrale étrangère les voies d'actions possibles et des juridictions pouvant être saisie pour octroyer un droit de visite. D'une manière générale, les moyens d'action sont généralement limités car le droit interne des États permet rarement de contraindre le parent auprès duquel la résidence principale de l'enfant est fixée de respecter la décision ordonnant le droit de visite.
<b>Georgia</b>	
<b>Germany</b>	<p>In general terms, the interpretation of Art. 21 1980 Convention still seems to be inconsistent among Convention States. From a German perspective, comprehensive support is provided in cross-border access cases on the basis of Art. 21, that is applicants may seek the assistance of the German Central Authority in order to either first establish access rights or - if such rights have already been granted by the competent (judicial) authority - have these rights enforced. In either cases, a wrongful removal/retention pursuant to Art. 3 is not required. However, some Convention states interpret Art. 21 differently and provide support only when the child has been wrongfully removed/retained beforehand.</p> <p>The German Central Authority may also start court proceedings in access cases albeit subject to prior authorization by the applicant pursuant to sec. 6 (2) IFLPA. In this regard, the German implementing legislation differentiates between return cases (where the German Central Authority is deemed authorised by operation of law) and access cases (where an authorization by the applicant is required).</p> <p>Other Central Authorities on the contrary, provide assistance and information but are not entitled to start court proceedings.</p>
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	There is lack of uniformity as to how States interpret their obligations under Article 21 of the Convention. For example: 1) States who have not made the reservation to the third paragraph of Article 26 of the Convention will provide representation in return cases but not in access cases. 2) States who do not have expedited procedures for organizing access rights or effective mechanisms for enforcing access rights. This causes difficulty given the international nature of these cases. For example, where a parent has been told by the custodial parent that they are refusing to send the child to the other country for an annual visit, the case cannot be heard

	quickly enough and the parent therefore loses the visit for that year. There are often no real or effective sanctions for breach of access rights. The parent not only loses the visit, but may also suffer financial loss with respect to airline tickets/hotel reservations that weren't used.
Italy	
Jamaica	
Japan	
Latvia	In view of Applicant it is challenging to obtain legal aid, also procedures itself are lengthy.
Lithuania	We noticed the different national legislation of other States related to access rights under Hague Convention. For example - the State X refused to assist in making arrangements for applicant's access rights to child living in State X because such rights were not granted by Lithuanian Court decision. The applicant was advised to apply to Court of State X according to domestic law of State X, without assistance of Central Authorities.
Montenegro	
New Zealand	
Panama	
Peru	
Poland	n/a
Portugal	Some Central Authorities do not process these requests
Singapore	
Slovakia	
South Africa	Central Authority of the requested state did not consider the matter to have any merit and did not want to assist any further.
Spain	
Switzerland	<p>La manière de traiter les requêtes en vue de la protection du droit de visite varie beaucoup d'un État à l'autre. La plupart des États ne fournissent qu'un soutien très minimal, ce qui fait que le parent requérant doit souvent mandater un avocat et saisir directement l'autorité compétente.</p> <p>Une fois qu'une décision octroyant un droit de visite a été rendue, il est très difficile de la faire exécuter si le parent gardien s'y oppose.</p>
Türkiye	
Ukraine	As the Central authority we could point on the problems with Spain and Belgium. These States do not initiate the court proceedings in the access cases. The CAs only inform that the applicants shall hire the lawyers in order to submit the case to the court and recommend to apply for the legal aid pursuant to the European Agreement on the Transmission of Applications for Legal Aid. We consider that this situations incurs the additional expenses to the applicants - they are obliged to prepare further package of documents and arrange the relevant translations of the documents.
United Kingdom (England and Wales)	<p>Some differences in legal aid entitlement present difficulty with some States Parties.</p> <p>In ICACU's experience, some States Parties will not accept an Article 21 application unless:-</p> <ul style="list-style-type: none"> <li>i) the parent has parental responsibility for the child, or</li> <li>ii) there is already a contact order in existence and the primary carer is not complying with the order, or</li> <li>iii) the parent has an automatic right to contact with their child.</li> </ul> <p>This approach can cause difficulties with outgoing access requests</p>



	<p>because, under our domestic law, parents do not automatically have a right to contact with their child. In domestic law (i) the welfare of the child is the paramount consideration (section 1(1) Children Act 1989) and (ii) there is a 'no order' principle, that is, a principle that the court shall not make an order unless it considers that doing so would be better for the child than making no order at all (section 1(5) Children Act 1989). If the parents separate or their marriage or civil partnership breaks down, orders will not be made regulating issues such as residence and contact unless a parent makes an application to the court, and the court considers that making an order is better for the child than making no order at all. If divorce or dissolution proceedings are issued by either parent, that will not necessarily lead to orders being made in respect of any children of the family. Under domestic law applications in relation to the children are dealt with separately from the divorce or dissolution proceedings.</p> <p>A parent does have an automatic right to make an application to the court (section 10(4)(a) Children Act 1989) unless there have been earlier proceedings in which the court has made an order that no application for a further order can be made without leave (permission) of the court (section 91(14)). If this is the position the parent's initial application would be for leave to make an application for an order.</p>
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United States of America	
Uruguay	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.
Venezuela	Hay países que no contemplan el beneficio de los derechos de acceso/contacto, ejemplo España

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?<sup>13</sup>

No

Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, Georgia, Germany, Honduras, Iceland, Italy, Jamaica, Japan, Latvia, Lithuania, Montenegro, New Zealand, Panama, Peru, Poland, Singapore, Slovakia, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Scotland), United States of America

Yes

Argentina, Australia, Belgium, Canada, France, Israel, Portugal, South Africa, Spain, Switzerland, United Kingdom (Northern Ireland), Uruguay, Venezuela

Please specify:

<sup>13</sup> 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."

<b>Argentina</b>	Some countries, have a common practice of closing cases of violence that have not been sentenced, which can make it difficult to exercise the right of contact.
<b>Australia</b>	Some overseas CAs have refused to accept an access application from a parent in Australia solely because there was no abduction of the child preceding that request. The enforcement of access arrangements presents a challenge across many jurisdictions.
<b>Belgium</b>	Des difficultés ont été rencontrées en Belgique pour obtenir l'exécution forcée" de décisions rendues en matière de droit de visite.  L'organisation de droit de visite sous surveillance (droit de visite médiatisé) a également pu poser des difficultés pratiques (manque de disponibilités des infrastructures existantes, problèmes de langues, difficultés pour un tribunal étranger compétent au fond de "mandater" un service belge, etc)."
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	The challenges related to art. 21 arose whether the application was linked to an international child abduction situation or not.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	Si la protection d'un droit de visite déjà consacré par une décision de justice française ou étrangère peut, depuis le 25 mars 2019 et l'entrée en vigueur de la loi de programmation 2018-2022 et de réforme pour la justice, faire l'objet de moyens de contraintes sur le plan civil, l'organisation de droits de visite ou d'entretenir un contact s'avère toujours délicate. En effet, il n'existe aucune disposition, en droit interne, permettant aux autorités françaises d'introduire elles-mêmes une procédure judiciaire tendant à l'organisation de droits de visite.  L'assistance apportée par l'Autorité centrale française est ainsi limitée en pareil cas à la saisine du ministère public aux fins d'auditionner le parent auprès duquel réside habituellement l'enfant sur sa volonté d'accorder ou non amiablement des droits de visite à l'autre parent, et en cas de refus, à proposer le recours à un médiateur et à informer le requérant ou l'autorité centrale étrangère quant aux voies de droit possibles et aux juridictions pouvant être saisies pour octroyer de tels droits.
<b>Georgia</b>	
<b>Germany</b>	
<b>Honduras</b>	
<b>Iceland</b>	

Israel	Same as question 29 above. The issues are the same, whether or not the application was linked to an international child abduction situation.
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	In such cases we provide the assistance in trying to negotiate the agreement between child's parents for access rights, and in case an agreement can not be reached we facilitate the institution of proceeding in Lithuanian competent Court for applicant's access rights.
Montenegro	
New Zealand	
Panama	
Peru	
Poland	n/a
Portugal	Some Central Authorities do not process the rights of access requests
Singapore	
Slovakia	
South Africa	The court order provided for contact/access was vague and led to disputes unnecessarily, the mother was obstructing contact and access to an expert who wanted to consult with a child; the children in another matter had outgrown old contact provisions ; the father did not want the children to be interviewed to obtain their views to contact he sought.
Spain	
Switzerland	Toutefois la raison de ces difficultés ne résidait pas dans le fait que la demande n'était pas liée à une situation d'enlèvement international d'enfants.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	Information not collected
United Kingdom (Northern Ireland)	Legal aid funding is not available in NI for access only requests.  Contact applications are to be made under Article 8 Order, Children (NI) Order 1995 and applicants will have to cover legal costs.
United Kingdom (Scotland)	
United States of America	
Uruguay	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.
Venezuela	Cuando se interpuso una solicitud de Restitución conjuntamente con una solicitud de visita, pese a que no hubo inconveniente para la aceptación de ambos procesos, se tuvo que organizar por vía de comunicación judicial directa dicha situación.

**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
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<p>A request of assistance to organise or secure effective exercise of rights of access in <b>another Contracting Party</b> (as requesting State)</p>	<p><b>1. Assistance in obtaining information on the operation of the 1980 Convention</b></p> <p>Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, New Zealand, Panama, Peru, Poland, Portugal, Slovakia, South Africa, Spain, Switzerland, Türkiye, Ukraine United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela</p>
	<p><b>2. Assistance in obtaining information on the relevant laws and procedures in the requested State</b></p> <p>Australia, Belgium, Brazil, Bulgaria, Chile, China (Hong Kong SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Jamaica, Latvia, Lithuania, Panama, Poland, Portugal, Slovakia, South Africa, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (Northern Ireland), United States of America, Uruguay, Venezuela</p>
	<p><b>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</b></p> <p>Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, New Zealand, Panama, Peru, Poland, Portugal, Slovakia, South Africa, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela</p>
	<p><b>4. Transmission of the request to the Central Authority or to the competent authorities in the requested State</b></p> <p>Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Japan, Latvia, Lithuania, New Zealand, Panama, Peru, Poland, Portugal, Slovakia, South Africa, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela</p>
	<p><b>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</b></p> <p>Argentina, Brazil, Cyprus, Denmark, Dominican Republic, Ecuador, Estonia, Georgia, Honduras, Italy, Jamaica, Lithuania, Panama, Portugal, Spain, United Kingdom (Northern Ireland), Uruguay, Venezuela</p>

	<b>6. Assistance in providing or facilitating the provision of legal aid and advice</b>	
	Argentina, Belgium, Cyprus, Dominican Republic, Ecuador, Finland, Georgia, Honduras, Israel, Italy, Jamaica, Japan, Lithuania, New Zealand, Panama, Portugal, South Africa, Spain, Switzerland, Ukraine, United States of America, Venezuela	
	<b>7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State</b>	
	Argentina, Cyprus, France, Georgia, Israel, Italy, Lithuania, South Africa, Spain, Switzerland, United Kingdom (Northern Ireland)	
	<b>8. Referral to other governmental and / or non-governmental organisations for assistance</b>	
	Argentina, Australia, Belgium, Colombia, Cyprus, Czech Republic, Dominican Republic, France, Georgia, Portugal, Slovakia, Spain, Switzerland, United Kingdom (Northern Ireland), United States of America, Uruguay	
	<b>9. Provision of regular updates on the progress of the application</b>	
	Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Jamaica, Japan, Lithuania, New Zealand, Panama, Peru, Poland, Portugal, Slovakia, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela	
	<b>10. Other</b>	
	China (Macao SAR), Singapore, United States of America	
<b>Please specify:</b>		
<b>Argentina</b>		
<b>Australia</b>		
<b>Belgium</b>		
<b>Brazil</b>		
<b>Bulgaria</b>		
<b>Canada</b>	Specific services may vary from one province or territory to another. However, in general, as a requesting State, Canadian CAs would themselves provide services under no 1, 3, 4 and would act as a “conduit” between the applicant and the requested CA concerning all other aspects of the case. For example, the provincial and territorial CAs generally would not assist an applicant in obtaining private legal counsel in the other State. They would however collaborate with a requested CA providing assistance in obtaining private legal counsel and transfer all relevant information to the applicant.	
<b>Chile</b>		
<b>China (Hong Kong SAR)</b>		
<b>China (Macao SAR)</b>	The Macao SAR Government will provide appropriate assistance or arrangement on a case-by-case basis when necessary.	

	Colombia	
	Costa Rica	
	Cyprus	
	Czech Republic	
	Denmark	
	Dominican Republic	
	Ecuador	
	El Salvador	
	Estonia	
	Finland	
	France	
	Georgia	
	Germany	
	Honduras	
	Iceland	
	Israel	
	Italy	
	Jamaica	
	Japan	
	Latvia	
	Lithuania	
	Montenegro	This matter is within the jurisdiction of the court
	New Zealand	
	Panama	
	Peru	
	Poland	
	Portugal	
	Singapore	The Singapore Central Authority will provide the applicant with a list of lawyers.
	Slovakia	
	South Africa	
	Spain	
	Switzerland	
	Türkiye	
	Ukraine	
	United Kingdom (England and Wales)	
	United Kingdom (Northern Ireland)	
	United Kingdom (Scotland)	
	United States of America	The USCA provides general information to applicants filling out an application. The USCA is prohibited by federal regulation from acting as agents or attorneys in legal proceedings arising under the 1980 Convention, but the USCA does provide general information about legal representation. Overseas embassies and consulates maintain regional lists of various attorneys who have indicated they are willing to assist U.S. citizen clients.
	Uruguay	
	Venezuela	



<p>A request of assistance to organise or secure effective exercise of rights of access <b>in your State</b> (as requested State)</p>	<p><b>1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State</b></p> <p>Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Japan, Latvia, Lithuania, New Zealand, Panama, Peru, Poland, Portugal, Slovakia, South Africa, Spain, Switzerland, Türkiye, Ukraine, United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela</p> <p><b>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</b></p> <p>Argentina, Belgium, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, France, Georgia, Germany, Honduras, Iceland, Italy, Jamaica, Latvia, Lithuania, New Zealand, Panama, Peru, Poland, Portugal, South Africa, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela</p> <p><b>3. Assistance in providing or facilitating the provision of legal aid and advice</b></p> <p>Argentina, Belgium, Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Cyprus, Czech Republic, Dominican Republic, Ecuador, El Salvador, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, New Zealand, Panama, Peru, Poland, Portugal, South Africa, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Scotland), United States of America, Venezuela</p> <p><b>4. Assistance in obtaining private legal counsel or mediation services available in your State</b></p> <p>Argentina, Belgium, Bulgaria, China (Macao SAR), Czech Republic, Ecuador, Finland, France, Georgia, Germany, Iceland, Israel, Jamaica, Japan, Latvia, Lithuania, Slovakia, South Africa, Switzerland, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United States of America</p> <p><b>5. Referral to other governmental and / or non-governmental organisations for assistance</b></p> <p>Argentina, Australia, Belgium, Brazil, China (Hong Kong SAR), China (Macao SAR), Czech Republic, Denmark, Dominican Republic, Finland, France, Georgia, Germany, Iceland, Japan, Latvia, Lithuania, Portugal, Slovakia, South Africa, Switzerland, United Kingdom (Northern Ireland), United States of America, Uruguay</p> <p><b>6. Regular updates on the progress of the application</b></p> <p>Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Iceland, Israel, Italy, Latvia, New Zealand, Panama, Peru, Poland, Portugal, Slovakia, South Africa, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), United States of America, Uruguay, Venezuela</p>
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<b>7. Other</b>	
France, Singapore, Slovakia, South Africa, Ukraine, United States of America	
<b>Please specify:</b>	
Argentina	
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	Specific services vary from one province or territory to another. For example, Alberta and Québec do provide the service listed under no. 2 whereas other CAs generally do not, but they do not provide the service listed under no. 5 whereas other CAs generally do.
Chile	
China (Hong Kong SAR)	
China (Macao SAR)	The Macao SAR Government will provide appropriate assistance or arrangement on a case-by-case basis when necessary. To be more specific, for services (3), (4) and (5) mentioned above, the Central Authority of the Macao SAR provides relevant information (e.g. list of practising lawyers) to the applicant on a case-by-case basis.
Colombia	
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	
Estonia	
Finland	
France	En cas de demande tendant à l'organisation de droits de visite, l'Autorité centrale française n'est pas en mesure de saisir elle-même la juridiction compétente pour statuer sur la question.
Georgia	
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	
Montenegro	This matter is within the jurisdiction of the court
New Zealand	
Panama	
Peru	
Poland	
Portugal	

	<b>Singapore</b>	The Singapore Central Authority will provide the applicant with a list of lawyers.
	<b>Slovakia</b>	Central Authority contacts the carer of the child in order to seek a voluntary respect of the right of access and offers the option to resolve the situation by means of mediation and / or other forms of alternative dispute resolution. Central Authority also inquires the relevant Local Social Authority to confirm the whereabouts of minor, to check on the living conditions of the minor and to find out about the carer's intentions to respect of the right of access voluntarily
	<b>South Africa</b>	Ensuring that legal representation is provided for the child
	<b>Spain</b>	
	<b>Switzerland</b>	
	<b>Türkiye</b>	
	<b>Ukraine</b>	The assistance in initiating judicial proceedings is provided by the CA in cases the applicant did not hire a private lawyer or the requesting State did not made the reservation pursuant to Art.42 of the Abduction Convention.
	<b>United Kingdom (England and Wales)</b>	
	<b>United Kingdom (Northern Ireland)</b>	
	<b>United Kingdom (Scotland)</b>	
	<b>United States of America</b>	
	<b>Uruguay</b>	
	<b>Venezuela</b>	

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

Argentina, Belgium, Bulgaria, Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, Georgia, Honduras, Italy, Jamaica, Latvia, Lithuania, Montenegro, Panama, Peru, Poland, Slovakia, Spain, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), Uruguay, Venezuela

Yes

Australia, Estonia, France, Germany, Portugal, South Africa, Switzerland, Türkiye

Please specify:

<b>Argentina</b>	We are not a party to the 1996 Convention. However, the Convention is under the legislative approval procedure for further ratification.
<b>Australia</b>	The ACA regularly receives requests for the registration of overseas measures of protection under the Family Law (Child Protection Convention) Regulations 2003. The ACA also assists parents in Australia to make

	<p>similar requests for recognition of Australian parenting orders in outgoing matters. Many orders are registered in Australia under that regime, avoiding the need for parents to make an application seeking contact with a child under Australia's domestic law framework.</p> <p>The Australian Central Authority only offers mediation in relation to applications for access under the 1980 Convention so the ability to enforce a registered order can be advantageous.</p>
<b>Belgium</b>	
<b>Brazil</b>	Not applicable
<b>Bulgaria</b>	
<b>Canada</b>	
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	The 1996 Convention is not applicable to the Macao SAR.
<b>Colombia</b>	
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	<p>L'Autorité centrale française a été saisie par certains États contractants, sur le fondement des dispositions de la Convention de 1996, aux fins d'obtenir des éléments d'informations sur des procédures en cours en matière de responsabilité parentale en France ainsi que de rapports sur la situation de l'enfant, en vue de permettre à un parent de se voir octroyer des droits de visite ou de protéger des droits de visite existants. Ces demandes suscitent des interrogations concernant la possibilité de communiquer les rapports sur la situation de l'enfant établis par les services de la protection de l'enfance sur le fondement de l'article 32 de la Convention de 1996 au(x) parent(s) de l'enfant qui sollicitent ou étudient la possibilité d'organiser ou de garantir l'exercice effectif de droits de visite par l'intermédiaire d'une Autorité centrale.</p>
<b>Georgia</b>	
<b>Germany</b>	<p>Sometimes a report on the situation of the child, including the family history and intervention of social services or existing court orders on the custody situation, is requested under Art. 32 of the 1996 Convention.</p> <p>Moreover, sometimes communication between competent authorities is established under the 1996 Convention in order to find an amicable solution before a request under Art. 21 of the Convention is made.</p>
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	

Latvia	
Lithuania	The cases for access rights are considered in district Courts of Lithuania, under the place of residence of child. In these proceedings participate the specialists of our Territorial divisions.
Montenegro	
New Zealand	N/A
Panama	
Peru	Peru is not a party to this Convention
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	The domestic laws that RSA has is consistent with the 1996 convention
Spain	
Switzerland	Cela n'arrive que rarement et il s'agit en règle générale de demandes de reconnaissance et exécution d'une décision octroyant un droit de visite.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United States of America	
Uruguay	
Venezuela	N/A

## 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:

Argentina	<p>Depending on the jurisdiction, the Child's Lawyer, the Ombudsman for Minors, and/or an interdisciplinary team participate. In addition, in most of the country's jurisdictions, children are heard directly by the judge.</p> <p>The Argentine Central Authority does not usually have contact with the children involved in the proceedings. Normally, the intervening courts are in charge of interviewing the children through specialized persons. If relevant issues are observed, reports can be sent to us and forwarded to the competent authority. We try to ensure that both the requested and the requesting State have the same information.</p>
Australia	Elements are observed and reported on by Family Consultants in 1980 Convention matters. Courts tend to limit the questions asked of a Family

	<p>Consultant to those necessary to determine the relevant matters under the Convention arising in that case.</p> <p>An Independent Children's Lawyer (ICL) may also be appointed by a court.</p>
<b>Belgium</b>	<p>Lorsque l'enfant est entendu par le juge, le Code judiciaire (article 1004/1) prévoit que le rapport de l'entretien relate les dires du mineur. Le mineur est informé que les parties pourront prendre connaissance du rapport. Le juge informe le mineur du contenu du rapport et vérifie si le rapport exprime correctement les opinions du mineur.</p> <p>Le rapport n'est pas signé par le mineur. Si, au cours de l'entretien, le juge estime que le mineur n'a pas le discernement nécessaire, il l'indique dans le rapport.</p> <p>Les opinions du mineur sont prises en considération compte tenu de son âge et de son degré de maturité.</p> <p>La personne qui recueille l'opinion de l'enfant dans une procédure de retour cherchera à dégager les informations suivantes : la maturité de l'enfant et la capacité qu'il peut avoir à prendre du recul sur la situation, l'influence subie par l'enfant ou son indépendance par rapport au vécu de ses parents, son vécu dans les différentes séquences de son déplacement et son installation/intégration dans le nouvel Etat, son état émotionnel devant les alternatives qui se présentent dans le litige, le message que l'enfant souhaite faire connaître au juge et à ses parents.</p> <p>Sur l'opinion de l'enfant, ce qui est rapporté, le cas échéant, est le caractère fondamental ou seulement superficiel du souhait de l'enfant à ne pas devoir retourner dans son Etat d'origine et à rester dans l'Etat où il se trouve.</p>
<b>Brazil</b>	<p>Law 13.431 regulates the taking of the special testimony of the child. For this reason, it is advisable to use a room with special architecture and conduct protocols for the professionals who will interview the child, such as the use of an electronic point to communicate in real time with the judge who conducts the hearing. This way, the child remains in the special room with the psychologist-interviewer, while in another place the parties, their lawyers and the judge, who is following the interview, remain. The maturity of the child is an essential factor for its manifestation to be considered, but it has no absolute value. For this reason, an interdisciplinary team is involved in the elaboration of a technical report in some cases to support the judge with respect to the child's speech.</p>
<b>Bulgaria</b>	<p>everything of mentioned</p>
<b>Canada</b>	<p>The elements observed depend of the age of the child and of the purpose for which their views were obtained.</p> <p>Views of the child are most frequently obtained in relation to the art. 13(2) exception. In such cases, elements most frequently reported include: the views of the child on whether they object to return to their state of habitual residence, the maturity of the child and any perceived parental influence on the child's statements.</p> <p>In <i>Balev</i>, the Supreme Court of Canada held that "determining sufficient age and maturity in most cases is simply a matter of inference from the child's demeanor, testimony, and circumstances", that "in some cases, it may be appropriate to call expert evidence or have the child professionally examined" but that "this should not be allowed to delay the proceedings". The Court also held that "the child's objection should be assessed in a</p>



	straight-forward fashion – without the imposition of formal conditions or requirements not set out in the text of the Hague Convention” (2018 SCC 16, <a href="https://canlii.ca/t/hrlfk">https://canlii.ca/t/hrlfk</a> at para. 79-80).
<b>Chile</b>	In abduction cases, the child is heard by their attorney, the judge and the Technical Advisor to the court. The hearing is private and no report is offered to the parties, unless the child expressly authorizes for information to be shared. The team that speaks to the child usually looks for signs of parental influence, the child's maturity level, and asks questions regarding the States involved, and the child's relationships in both States and with both parents (if applicable). If any concerns or Convention exceptions have been raised by the taking parent, these are also reviewed with the child. It should be noted that the hearing is designed to be child-friendly: the child is not interrogated directly regarding the Hague application, but rather the team aims for a friendly conversation.
<b>China (Hong Kong SAR)</b>	A social welfare report may be called for upon the judge's direction. Elements to be observed or reported mainly depend on the request of the judge seeking the report. Common areas covered are the views of the child on the subject of return and the degree of maturity of child.
<b>China (Macao SAR)</b>	<p>The judges handle the case and take appropriate measures in strict accordance with the law. Before making a judicial order of returning the child, the judges may order evidence measures deemed necessary to be carried out according to Article 112 of the Social Protection Regime of Decree-law 65/99/M, including hearing statements of all parties involved in the case and requesting a report from the Social Welfare Bureau. In the end, the judges will comprehensively consider all evidence and the content of the report to make a decision that is in the best interests of the child.</p> <p>The Social Protection Regime of Decree-law 65/99/M is available in Chinese and Portuguese respectively on <a href="https://bo.io.gov.mo/bo/i/99/43/declei65_cn.asp">https://bo.io.gov.mo/bo/i/99/43/declei65_cn.asp</a> and <a href="https://bo.io.gov.mo/bo/i/99/43/declei65.asp#65">https://bo.io.gov.mo/bo/i/99/43/declei65.asp#65</a>.</p>
<b>Colombia</b>	By law in any procedure involving a child, the authorities are complied to hear the views of the child taking into account the level of maturity of the child.
<b>Costa Rica</b>	The child opinion, the maturity, age, also the report done by the local office of PANI, in which the child is interviewed by psychology with the help of an social worker report.
<b>Cyprus</b>	
<b>Czech Republic</b>	The opinion of the child, the age and maturity of the child, the ability to form his or her own opinion, the degree of influence by the parents, the consistency and logical continuity of wishes and opinions of the child should be observed and considered by hearing of the child.
<b>Denmark</b>	<ol style="list-style-type: none"> <li>1. The views of the child on the subject of return</li> <li>2. The maturity of the child</li> <li>3. Perceived parental influence on the child's statement</li> </ol>
<b>Dominican Republic</b>	Usually it's the judge according child's maturity and age. If it's necessary an expert psychologist with the judge.
<b>Ecuador</b>	The views of the child on the new and previous location, on the relationship with the current and previous environment.
<b>El Salvador</b>	El art. 100 de la Ley Crecer Juntos para la Protección Integral de la Primera Infancia, Niñez y Adolescencia regula el derecho a opinar y ser escuchado de niñas, niños y adolescentes, a través de métodos acordes a su edad y valorada en función de su desarrollo progresivo y con el apoyo de equipos multidisciplinarios cuando sea pertinente.

	<p>En los procedimientos administrativos o judiciales, se garantiza la participación directa de la niña, niño o adolescente acorde con su desarrollo evolutivo, pero en ningún caso es obligado a expresar su opinión.</p> <p>Si se trata de niñas, niños y adolescentes con discapacidad, se les debe de proporcionar los apoyos que sean necesarios para ejercer el derecho de forma personal y si lo anterior no es suficiente, se podrá incluir la asistencia de personas que, por su profesión o relación especial de confianza, puedan transmitir objetivamente su opinión.</p> <p>En sede administrativa, la Guía de actuación para garantizar el derecho a la participación y escucha de la opinión de niñas, niños y adolescentes en los procedimientos administrativos de la PGR establece las condiciones básicas para la observancia del derecho a participar y ser escuchado por parte de NNA. Señalando que los procesos deben ser:</p> <ul style="list-style-type: none"> <li>a) Transparentes</li> <li>b) Voluntarios</li> <li>c) Respetuosos</li> <li>d) Pertinentes</li> <li>e) Adaptados a las personas menores de edad</li> <li>f) Incluyentes</li> <li>g) Apoyados en la información</li> <li>h) Seguros y atentos al riesgo</li> <li>i) Responsables</li> </ul>
<b>Estonia</b>	<p>According to our Code of Civil Procedure, in a case concerning a child, the court hears the child, who is capable of holding their own opinions, at first hand unless otherwise provided by law. Where the court takes the view that this is required in the interests of the case, it hears the child in their usual environment. Where this is needed, the child is heard in the presence of a psychiatrist, psychologist or social worker. The court may also permit other persons to be present at the hearing, unless the child or their representative objects. When making arrangements for hearing the child, the court takes into consideration whether one parent has used violence in respect of the child or the other parent.</p> <p>(2) When hearing a child, the child must be informed – to the extent they are presumably able to understand this – of the matters dealt with in and potential outcome of the proceedings, provided this does not entail any presumably harmful consequences to their development or upbringing. The child must be given an opportunity to express their view.</p> <p>(3) The hearing of the child may be dispensed with only where a valid reason is present. Where the child is not heard for the reason that the ensuing delay would harm their interests, the child must be heard afterwards without delay. The court may also dispense with hearing the child provided that the latter has – as part of child protection or</p>

	<p>conciliation proceedings – recently been heard concerning the circumstances under consideration in the judicial proceedings, and provided it is possible for the court to assess the outcome of the hearing without communicating with the child at first hand, and provided it would not be in the interests of the child to be heard on multiple occasions.</p> <p>(4) The court may delegate the hearing of the child to another court by means of a domestic letter of request only if it is manifest that the court will be able to assess the outcome of the hearing even without having personally communicated with the child.</p>
<b>Finland</b>	<p>The views of the child on the subject of the return, the maturity of the child, parental influence on the child's statements, the child's circumstances in both states (family, school, hobbies etc.). The elements depend on the case, and the court can specify and ask for information that is relevant for the application.</p>
<b>France</b>	<p>Les juridictions françaises indiquent que les informations habituellement constatées et rapportées par la personne qui auditionne l'enfant font régulièrement état de la volonté de l'enfant de rester auprès du parent l'ayant déplacé avec parfois, mais pas toujours l'existence ressentie d'une influence parentale. D'une manière générale, il est également rapporté des informations concernant le vécu au domicile de chacun des parents avant le déplacement, le retour et ses conséquences sur le quotidien et l'état psychologique de l'enfant. En pratique, un procès-verbal d'audition libre de l'enfant est établi par les autorités judiciaires françaises. Ce procès-verbal ne constitue pas nécessairement un procès-verbal exhaustif de l'ensemble des déclarations de l'enfant, mais rend compte des sentiments qu'il a librement exposés au juge qui lui aura préalablement exposé les limites de sa compétence et l'objet de sa saisine.</p>
<b>Georgia</b>	<p>According to Georgian legislation there is no defined age upon which the child is able to object/consent in court hearing or during the enforcement of orders.</p> <p>In addition, it should be underlined that Article 78 of Child Rights Code of Georgia highlights general principle of rights of the child to express his/her opinion and to have such opinion duly considered in administrative/court proceedings. In Particular, during administrative procedures and court proceedings related to the child, the child is guaranteed the opportunity to express his/her opinion regarding the case at any stage of the hearing of the case. The right of the child to have his/her opinion heard is not prejudiced by reference to age or other circumstances. The child is given the opportunity to express his/her opinion in the desired form. Appropriate conditions necessary to express his/her opinion is created for a child with disabilities. The process of expressing his/her opinion by the child is not take the form of an examination. It takes place in a friendly environment in the form of free dialogue.</p> <p>Furthermore, Article 351-13 of Civil Procedure Code of Georgia regulating rules of court hearings on child abduction cases is in full compliance with Article 13 of the 1980 Hague Convention and prescribes that court hears the child if the child has attained an age and degree of maturity at which it is appropriate to take account of its views. An expert and/or a social worker attends child's hearing. As for enforcement of orders, it is worth mentioning that the same attitude with regard to the child's hearing is obtained in this particular cases. As Article 24 of "the referral and enforcement procedures for the return of a wrongfully removed or retained child or exercise of the right of access to the child" states enforcement proceedings of judicial decision on the return of the child is terminated on</p>

	<p>the basis of court order on the termination of enforcement procedure if the child, who has reached such age and maturity (physical and mental state) at which it is appropriate to take into account her/his opinion, refuses to return.</p> <p>Furthermore, in the process of obtaining child views in child abduction cases a judge, social worker/expert/psychologist observe the views of the child with regard to the return, habitual residence, the age and maturity of the child, parental influence on the child's statements and etc.</p>
<b>Germany</b>	<p>In child abduction cases the aim of the hearing of the child is to inform the child in a child-friendly way about the proceedings having regard to the child's age and to get to know the personality of the child, the living conditions and the view of the child on his/her situation.</p> <p>The judge ascertains the nature of the child's objections to return and whether the child may be at risk, rather than a preference for the custodial parent. The judge lets the child tell about his or her life before and after return. They ask about specific past experiences. They ask the child to tell the reasons why he/she should or should not return. If the child refuses to return the judge asks for reasons and checks the child's view in case the abducting parent will also return. They try to get an impression whether the child is stressed by the situation or even directly or indirectly influenced by the abducting parent.</p>
<b>Honduras</b>	Both our national legislation of Honduras as the Child Rights Convention of 1989 guarantees the child right to be listened. In this sense, such as the DINAF officials as Courthouse officials attends to the maturity of the child to be listened determining those extremes through psychosocial tests which will determine if the child has been manipulated by any of the parents or if this has the enough maturity to know and pronounce the process.
<b>Iceland</b>	
<b>Israel</b>	In Family Appeal 6426-07-21 (Haifa District Court), the Court dealt with the Article 13 exception coined as 'the child's objection'. The Court explained that the Court will analyze two voices: firstly, the child's, and secondly, a certified entity (e.g. a social worker) presenting the social background the child requires. The Court emphasized that appointing a professional expert is essential in lieu of the minors' inherent difficulties to express their independent opinion, combined with a possible psychological harm the minors might suffer if they are forced to choose between parents.
<b>Italy</b>	Any element considered relevant by the Court in the single case, including the child behaviour (record of the hearing of the child in usually a summary of his/her views)
<b>Jamaica</b>	
<b>Japan</b>	<p>In cases where the court must determine whether a child is adapted to their new environment or is willing to be returned as possible grounds for refusal of return, a family court investigating officer, with professional knowledge in psychology and/or other behavioral sciences, conducts an investigation, including interviewing the child.</p> <p>In determining whether the child has adapted to their new environment, objective circumstances related to the new environment (living conditions in Japan, school status, extracurricular activities, friends, etc.) and their thoughts and feelings of current and future life are investigated. In determining whether the child is willing to be returned, the details of the child's objection, their age and level of development, and degree of parental influence on the child's opinion are examined.</p>
<b>Latvia</b>	<p>Normally it is observed and reported about:</p> <p>1) living conditions prior and after abduction,</p>

	<p>2) child's view on relationships with both parents,</p> <p>3) the maturity of the child,</p> <p>4) perceived parental influence on the child's statements.</p>
<b>Lithuania</b>	<p>Usually the person hearing the child's views is seeking to record in documents as much information as could. All child's words are recorded, if the child does not mention, then the interviewing persons asks politely about child's willingness to live in one or other Country, relationship with parents, the last meeting with requesting parent. It Should be noted that very often the child's behaviour is also described - whether the child is brave, or seems like feels uncomfortably, in what language the child speaks and etc.</p>
<b>Montenegro</b>	<p>This matter is within the jurisdiction of the court</p>
<b>New Zealand</b>	<p>Under New Zealand domestic law a child must be given reasonable opportunities to be heard (either directly or indirectly) in any judicial and administrative proceedings affecting them, as provided for by our domestic legislation, section 6(2)(a) of COCA, sections 5(d) and 11(2) and (3) of the OT Act and Article 12.2 of UNCROC</p>
<b>Panama</b>	<p>At the time of ordering a hearing procedure for a minor, it is usually carried out by the judge with the assistance of a psychologist from the interdisciplinary team if necessary, since each court of Children and Adolescents has these specialized professionals. The opinions that each child can give is observed his spontaneity, naturalness, his maturity at the time of building and expressing his ideas, know if the child was informed by the abductor about the change of residence, his parental ties, his impressions about the environment where he is residing in the requested State. In addition, any other matter that the child wishes to present at the time of expressing his or her opinion according to each case is recorded.</p>
<b>Peru</b>	<p>By listening to children, you can find out about their tastes, doubts, desires, needs, the problems they face or have faced, and everything related to their physical and mental state. It is also to give an appreciation of what they think, every child and adolescent has the right to be consulted in all matters that affect them, especially if we bear in mind articles 3 and 13 of the Convention on the Rights of the Child and the Code of Children and Adolescents.</p>
<b>Poland</b>	<p>These are all factors that may be relevant to the court in deciding whether to return the child. For example, this could be the child's views on return, the maturity of the child, any perceived influence of the parents on the child's statements.</p>
<b>Portugal</b>	<p>Hearings fall within the exclusive jurisdiction of the Courts</p>
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	<p>whether the child has views on return, will emotional attachment to an abducting parent relate to grave risk, is the child settled, the relationship with the left behind parent. Is the child mature enough to make a decision and is that decision in her/his/best interests.</p> <p>The views of the child are obtained via the appointment of a legal representative for the child, if the child is of an age where he/she is able to express their views. If the child is however too young, the appropriate procedure is to appoint a curator ad litem for the child who must fulfil the same role as a legal representative. In general, the legal representative/curator ad litem must be given the power to appoint an expert(s) to assist them in expressing the necessary views on behalf of the child.</p>

	<p>The purpose of the legal representative/curator ad litem would be to give the voice of the child expression as set out in s10 and s14 s279 of the Children's Act 38 of 2005 as read with Article 13 of the Convention.</p> <p>-S10 provides:</p> <p>"Every child that is of such an age, maturity and stage of development as to be able to participate in any matter concerning that child has the right to participate in an appropriate way and views expressed by the child must be given due consideration"</p> <p>-S14 provides:</p> <p>"Every child has the right to bring, and to be assisted in bringing, a matter to a court, provided that matter falls within the jurisdiction of that court"</p> <p>-S1279 provides:</p> <p>"A legal representative must represent the child, subject to section 55, in all applications in terms of the Hague Convention on International Child Abduction"</p> <p>Article 13 of the Convention provides that "[t]he judicial or administrative authority may also refuse to order the return if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views"</p>
<b>Spain</b>	<p>In Spain this is a matter that is left to the discretion of the judge who conducts the hearing of the child in each case. It must always be ascertained that the child's will is autonomous, firm and decided and that the child can know and understand the scope and transcendence of important aspects for his or her life. This implies, at the very least, that the child should be informed about the procedure, the consequences of his or her declaration and the way in which it will be documented.</p>
<b>Switzerland</b>	<p>Les informations constatées par le tribunal lui-même ou la personne/le service qui auditionne l'enfant dépendent en bonne partie de l'âge de l'enfant. En général, sauf pour les enfants les plus jeunes, il s'agira d'informations sur la situation familiale/personnelle, de l'opinion de l'enfant sur les procédures et sur le retour, la maturité de l'enfant et l'éventuelle influence parentale sur les déclarations de l'enfant (surtout en cas d'opinion claire au sujet du retour). En outre, le tribunal demande régulièrement au service cantonal de protection des enfants de fournir un bref rapport sur la situation de l'enfant et l'éventuel besoin de mesures de protection après avoir eu un contact avec l'enfant.</p>
<b>Türkiye</b>	<p>Generally, the views of the child on the subject of return, the maturity of the child, any perceived parental influence on the child's statements are observed and reported by the expert hearing the child.</p>
<b>Ukraine</b>	<p>The child who has attained the age and degree of maturity at which it is appropriate to take account of its views can be heard in the return proceedings.</p> <p>Pursuant to Article 45 of the Civil Procedural Code of Ukraine, during the consideration of a case, in addition to the rights and obligations specified in Article 43 of this Code, a minor also has the following procedural rights:</p> <p>1) to express his/her opinion directly or through a representative or legal representative and receive his/her assistance in expressing such an opinion,</p>



	<p>2) to receive information about the trial through a representative or legal representative,</p> <p>3) to perform other procedural rights and exercise procedural obligations foreseen by the international treaty.</p> <p>The court explains to a minor child his/her rights and the possible consequences of the actions of his/her representative or legal representative, in case he or she can understand their significance due to age.</p> <p>The court promotes the creation of appropriate conditions for the exercise of the rights of a minor child.</p> <p>By the Order of the Ministry of Justice of Ukraine were approved the Standards of Quality of Granting of Free Secondary Legal Aid in Civil, Administrative Proceedings and Representation in Criminal Proceedings (hereinafter - the Standards).</p> <p>The purpose of the Standards is, in particular, well-timed and high-quality granting of the required amount of free secondary legal aid.</p> <p>Compliance with the Standards is mandatory for attorneys while providing free secondary legal aid. According to the Standards, if a lawyer finds that a legal representative is acting, in particular, against the interests of the minor he or she represents, the lawyer takes all available measures to protect the client's legal rights and interests, in particular, notifies the guardianship authority, police etc., draws up and sends to the Koordinative Center of Providing of Free Legal Aid (special body which coordinates providing of the free legal aid in Ukraine) the relevant legal opinion on the impossibility of representation in this case.</p>
<b>United Kingdom (England and Wales)</b>	<p>Judiciary</p> <p>Evidence about the child's views is usually only obtained when it is said that the child objects to being returned. When such evidence is obtained, it will be taken into account for the purposes of all relevant issues.</p> <p>The court is likely to have the following evidence when determining whether (a) the child objects and (b) the child is of an age and maturity at which it is appropriate to take account of their views:</p> <ul style="list-style-type: none"> <li>- Statements from the parents setting out what they contend the child has said,</li> <li>- A report from an Officer of the Children and Family Court Advisory and Support Service (Cafcass) High Court Team (a social work professional) detailing: <ul style="list-style-type: none"> <li>o What the child has said on the subject of return when seen by that professional,</li> <li>o Whether, in the opinion of the Cafcass Officer, what the child has said amounts to an objection to being returned for the purposes of Art 13 (as opposed to a preference for one parent or country),</li> <li>o Whether the child is of an age and maturity that it is appropriate for the court to take account of their views.</li> <li>o Whether there is any evidence of parental influence on the child's views.</li> </ul> </li> <li>- In rare cases, the child may be joined as a party and will instruct a lawyer to present the child's views.</li> </ul> <p>Reports prepared on a child's views by a Cafcass Officer in abduction cases typically cover the above issues only.</p>

	<p>If the Cafcass Officer speaks to the parents, the Officer must speak to both parents in the case.</p> <p>The Cafcass Officer will not express a view on what the overall outcome of the abduction proceedings should be, unless expressly asked for that view by the court.</p> <p>Re A [2021] EWCA Civ 194 provides an example of the application of these principles. Re A (A Child) (Hague Convention 1980: Set Aside) [2021] EWCA Civ 194 (familylaw.co.uk)</p>
<b>United Kingdom (Northern Ireland)</b>	The Official Solicitor is regularly appointed to represent the child/children and to advise the court on the views of the child.
<b>United Kingdom (Scotland)</b>	<p>Judiciary</p> <p>Maturity of the child and ability to state an objection, views of child on return, any perceived parental influence on the child's stated views.</p> <p>All reported and observed by independent expert or independent lawyer appointed by the Court.</p>
<b>United States of America</b>	Judges in the United States generally have broad authority to consider the views of a child. They may do so through, e.g., in camera interviews, via a guardian ad litem or attorney, or through psychological reports and/or expert testimony.
<b>Uruguay</b>	<p>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.</p> <p>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.</p>
<b>Venezuela</b>	El convenio establece sobre la oposición de la restitución que, " el menor haya alcanzado una edad y un grado de madurez en que resulte apropiado tener en cuenta sus opiniones". Sin embargo, en Venezuela, a través de las orientaciones sobre el derecho humano de los NNA a opinar y a ser oídos en los procedimientos judiciales, emanados del Tribunal Supremo de Justicia, las opiniones de los NNA deben ejercerse libremente, sin presiones, injerencias o coacción de ningún tipo; por lo que el Juez o Jueza debe informar a los NNA adecuadamente antes de expresar su opinión, respecto a su situación personal, familiar o social planteada. No se puede considerar carente de validez o de credibilidad sólo en razón de su edad, siempre que por su madurez pueda expresar su opinión, para ello, debe tomarse en cuenta la presencia del equipo multidisciplinario para este acto. Aunque esta opinión pueda otorgar herramientas al momento de tomar una decisión, su opinión no es vinculante. Finalmente, lo que el Juez o Jueza debe detectar, son los elementos y circunstancias que pudiere extraer, para verificar la residencia habitual y posible acciones que pudiera involucrar un retorno no seguro.

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

Argentina, Belgium, Chile, China (Macao SAR), Colombia, Cyprus, Denmark, Georgia, Lithuania, Poland, Switzerland, Türkiye, Ukraine, Uruguay

Yes

Australia, Brazil, Bulgaria, China (Hong Kong SAR), Costa Rica, Czech Republic, Ecuador, El Salvador, Estonia, France, Germany, Honduras, Israel, Italy, Jamaica, Japan, Latvia, Montenegro, New Zealand, Panama, Peru, Portugal, Singapore, United Kingdom (Northern Ireland), United Kingdom (Scotland), Venezuela

Please specify:

<b>Argentina</b>	
<b>Australia</b>	Section 68L of the Family Law Act 1975 provides that the court may make an order that the child's interests in the proceedings ought to be independently represented by a lawyer (an Independent Children's Lawyer). In its current form, subsection 68L(3) restricts the appointment of ICLs to 'exceptional circumstances', however on 29 March 2023, the Family Law Amendment Bill 2023 was introduced into the Australian Parliament. The Bill proposes, among other things, the repeal of the subsection 68L(3) restriction. If passed, this will enable judges to appoint ICLs in proceedings under the 1980 Convention on the same basis that they would do so in domestic proceedings.
<b>Belgium</b>	Une réflexion est actuellement menée sein d'un groupe de travail consacré à la place de l'enfant devant les juridictions familiales.
<b>Brazil</b>	There is guidance from the National Council of Justice on the special testimony of the child in light of Law No. 13.431/2017.
<b>Bulgaria</b>	Social workers at first stage, judges with the presence of psychologist and social worker.
<b>Canada</b>	There are no procedures, guidelines or principles specific to child abduction cases.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Practice Direction-PDSL5 (PDSL5") provides guidance to judges on meeting children. PDSL5 stresses the importance of the need to afford the child, who is capable of forming his or her own views, an opportunity to express his/her views in any proceedings affecting the interest of the child. PDSL5 is available at <a href="https://legalref.judiciary.hk/lrs/common/pd/pdcontent.jsp?pdn=PDSL5.htm&amp;lang=EN">https://legalref.judiciary.hk/lrs/common/pd/pdcontent.jsp?pdn=PDSL5.htm&amp;lang=EN</a>
<b>China (Macao SAR)</b>	The judges handle the case and take appropriate measures in strict accordance with the law. Before making a judicial order of returning the child, the judges may order evidence measures deemed necessary to be carried out according to Article 112 of the Social Protection Regime of Decree-law 65/99/M, including hearing statements of all parties involved in the case and requesting a report from the Social Welfare Bureau. In the end, the judges will comprehensively consider all evidence and the content of the report to make a decision that is in the best interests of the child.
<b>Colombia</b>	
<b>Costa Rica</b>	The Child and Adolescence Code (article 12) and the Convention of the Child Rights and the Observation 12 and 14 of the Children Comitee. Also the article 152 that will be reformed by the Procedure Family Code.
<b>Cyprus</b>	

<b>Czech Republic</b>	The legal regulation and the internal methodological recommendation of the Central Authority as guardian ad litem of the child in the return proceedings.
<b>Denmark</b>	
<b>Dominican Republic</b>	Only the art.12 guidelines of the convention on the rights of the child and the general comment No.12 (2009) UN.
<b>Ecuador</b>	
<b>El Salvador</b>	<p>La Procuraduría General de la República cuenta con dos instrumentos relacionados a la participación y opinión de niñas, niños y adolescentes:</p> <p>a) Manual de la Guía de actuación para garantizar el derecho a la participación y escucha de la opinión de niñas, niños y adolescentes en los procedimientos administrativos.</p> <p>b) Guía de actuación para garantizar el derecho a la participación y escucha de la opinión de niñas, niños y adolescentes en los procedimientos administrativos.</p>
<b>Estonia</b>	For example, we have a child interviewing handbook and the child welfare evaluating handbook etc.
<b>Finland</b>	<p>The Supreme Court of Finland has stated in its decision KKO 2021:93 what information must be provided to the child when seeking the views of the child in a child abduction case.</p> <p><a href="https://korkeinoikeus.fi/en/index/ennakkopaatokset/shortsummariesofselectedprecedentsinenglish/2021/kko202193.html">https://korkeinoikeus.fi/en/index/ennakkopaatokset/shortsummariesofselectedprecedentsinenglish/2021/kko202193.html</a></p>
<b>France</b>	<p>L'article 388-1 du code civil définit les lignes directrices de l'audition de l'enfant devant les juridictions françaises : « Dans toute procédure le concernant, le mineur capable de discernement peut, sans préjudice des dispositions prévoyant son intervention ou son consentement, être entendu par le juge ou, lorsque son intérêt le commande, par la personne désignée par le juge à cet effet. Cette audition est de droit lorsque le mineur en fait la demande. Lorsque le mineur refuse d'être entendu, le juge apprécie le bien-fondé de ce refus. Il peut être entendu seul, avec un avocat ou une personne de son choix. Si ce choix n'apparaît pas conforme à l'intérêt du mineur, le juge peut procéder à la désignation d'une autre personne. L'audition du mineur ne lui confère pas la qualité de partie à la procédure. Le juge s'assure que le mineur a été informé de son droit à être entendu et à être assisté par un avocat. » L'article 21 du règlement (UE) 2019/1111 dit Bruxelles II-ter renforce le droit de l'enfant capable de discernement d'être entendu, dès lors que l'enfant doit bénéficier d'une « possibilité réelle et effective d'exprimer son opinion ». L'article 338-1 du code de procédure civile français a été modifié pour tenir compte des exigences européennes en matière d'audition de l'enfant avec l'ajout de la précision selon laquelle désormais : « Dans toute décision concernant un mineur capable de discernement, mention est faite que le ou les titulaires de l'exercice de l'autorité parentale, le tuteur ou, le cas échéant, la personne ou le service à qui il a été confié, se sont acquittés de leur obligation d'information prévue au premier alinéa." Ces dispositions invitent ainsi le juge français à apprécier l'opportunité d'une audition de l'enfant au regard de son discernement : c'est au regard de l'absence de discernement du mineur que le juge décidera de ne pas l'entendre.</p> <p>Hormis ces dispositions, il n'existe pas de lignes directrices pour l'audition du mineur dans les procédures liées à l'application de la Convention de 1980 en particulier, mais il existe des formations spécifiquement dispensées par l'École Nationale de la Magistrature (ENM) sur la pratique</p>

	de l'audition de l'enfant dans le procès civil et la parole de l'enfant en justice à destination des magistrats.
<b>Georgia</b>	
<b>Germany</b>	There are no specifics for Hague cases. Family courts are under general statutory duty to hear the child in person and to obtain a personal impression of the child involved in the proceedings, see sec. 159 Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction. The child (regardless of age) is heard by the court in person in the presence of the guardian ad litem for Minors – if a guardian ad litem is appointed. To ensure better and age-appropriate involvement of children in family court proceedings, the Act to Combat Sexualized Violence of June 16, 2021 (Federal Law Gazette I p. 1810) introduced subject-specific access requirements for family court judges. According to this, family court judges must have or acquire basic knowledge in the areas of psychology, in particular the developmental psychology of children, as well as basic knowledge in communication with children, in addition to the relevant legal knowledge (Section 23b (3) sentences 3 and 4 of the Judicial Constitution Act - GVG). Furthermore every year, several training sessions are held for judges, led by psychologists, on how to hear a child.
<b>Honduras</b>	Based on the principles and normatives in the Childhood Honduras Code and the Child Rights Convention regarding the child rights to be listened and give his opinion in this kind of procedures.
<b>Iceland</b>	
<b>Israel</b>	The guidelines in seeking the views of a child, specifically in terms of a child's objections, per Article 13, contain three major notions. Firstly, the minor has attained an age and a degree of maturity at which it is appropriate to take account of the subject child's views. Secondly, it is important for the Court to establish that the child has independent thought and has not been influenced by the abducting parent about their views. Thirdly and most importantly, the child must object to their return to the original state. The nature of the child's objection must be clear, strong, and resolute (for recent case law, see Family Appeal 5303/21).
<b>Italy</b>	In Several Judicial districts Presidents of the Courts, Head Prosecutors and Presidents of the Bar Councils have signed protocols
<b>Jamaica</b>	The Childcare & Protection Act
<b>Japan</b>	Article 88 of the Implementation Act stipulates that family courts shall endeavor to determine the child's will by hearing the statement from the child, or by examining a report from a family court investigating officer, or by other appropriate means in the proceedings of cases seeking the return of the child, and that they must take that into account in making their final decision, depending on the child's age and degree of development. Article 44 (1) of the Rules of Procedures for Cases relating to the Return of a Child under the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction stipulates that the investigation of the character, background, living conditions, asset status, family environment and other environmental factors of each party must endeavor to utilize medical, psychological, sociological, economic and other professional knowledge as necessary.
<b>Latvia</b>	General guideles are available that are also applicable for the child abduction cases.  For judges: Law on the Protection of the Children's Rights provides that judges, among many other specialists dealing with the field of protection of the rights of children, shall acquire special knowledge in the field of the protection of the rights of the child, the content and extent of such knowledge is be determined by the Cabinet.

	<p>For experts - in Latvia implemented by the competent authorities (Orphan's and Custody Court), also specific guidelines have been developed. Guidelines (Hand-book/ Manual) for the Custody Court, Volume 1, Section 1.24). Available (only in Latvian) at: <a href="https://www.bti.gov.lv/lv/media/1776/download?attachment">https://www.bti.gov.lv/lv/media/1776/download?attachment</a></p>
<b>Lithuania</b>	<p>We have only the training material for child rights protections specialists who participate in civil and criminal proceedings and hear child's views. But currently our Central Authority bought the service, when the competent specialists would prepare the detailed guidelines for child rights protection specialists and provide the trainings for a hearing of child's view.</p>
<b>Montenegro</b>	<p>Yes, in accordance with legal regulations.</p>
<b>New Zealand</b>	<p>In New Zealand there is a Practice Note issued by the Pricipal Family Court Judge that sets out a suggested brief in Hague Convention cases for a lawyer appointed by the Court to represent the child and for a court appointed psychologist if a report is directed.</p> <p>The suggested brief for a psychologist having regard to the child's objection to return:</p> <p>(a) What is the basis of that objection?</p> <p>(b) Does it appear as if the objection is reality based and/or affected by undue influence and/or able to be addressed by explanation or intervention?</p> <p>(c) Does the child have sufficient maturity and understanding to recognise the implication of the objection?</p> <p>(d) Having regard to the child's age, cognitive ability, maturity and the options available, how might the child respond if the Court makes an order for return despite the objection?</p> <p>In circumstances where grave risk is advanced as the sole defence (without being coupled with an objection, for example, because of some kind of adverse psychological impact of the return to the country of habitual residence, depression or psychological decline possibility for the child) then the brief might be:</p> <p>Having regard to the defence that the child might be exposed to grave risk of physical or psychological harm or would otherwise be placed in an intolerable situation (and having regard to the factual basis asserted by the parent in support of that objection):</p> <p>(a) What, if any, would be the psychological impact on the child of an order for return</p> <p>(b) In what ways could the psychological effect be ameliorated?</p> <p>In general, a suggested brief for lawyer for the child might be as follows: (a) Taking into account the defences raised by the respondent, what are the child's views?</p> <p>(b) From the child's perspective are there any other defences which should be pleaded?</p> <p>(c) From the child's perspective, are there any interim orders and/or directions that the Court should make pending the hearing?</p> <p>For example:</p> <p>(i) directions in relation to contact with the left behind parent,</p> <p>(ii) alternative placement if there is a flight risk or alternatively direction</p>



	<p>that child not be removed from current physical residential address pending hearing.</p> <p>(d) To represent the child at the hearing.</p>
<b>Panama</b>	<p>In accordance with Law 285 of February 15, 2015, which creates the system of guarantees and protection of the rights of children and adolescents, they establish a catalogue of rights, legal, administrative and judicial guarantees. Within which the right to be heard, to a short procedure, with due diligence and without undue delay, the right to form one's opinion, to express oneself freely and to be heard at all stages of the judicial process is recognized, preferably directly and, if this is not possible or contrary to their rights, through appropriate legal representatives. The right to express oneself and to be heard in one's own language and language. The right to receive from the judge and the other participants in the proceedings clear and precise information in their own language, about the meaning of each of the actions that take place in their presence, as well as the content and reasons for each decision.</p> <p>Children are provided with free legal assistance in accordance with article 834 of the Family Code.</p>
<b>Peru</b>	<p>In Peru, there is a Multidisciplinary Team in every court in the country, which, through psychological evaluations, allows us to know the opinions that the child may have, and even to know if we are dealing with a case of parental alienation. The Multidisciplinary Team issues its Psychological Report which is a means of proof in the international return process.</p>
<b>Poland</b>	n/a
<b>Portugal</b>	There are children's hearing manuals that are applied by the Courts
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	<p>The Childrens Act 38/2005 makes provision for child participation. The South African consitution makes provision for the best interests of the child.</p> <p>There are no set guidelines in South Africa that have been circulated to judges to apply when adjudicating Hague Convention matters. S278(3) of the Childrens Act provides a summary instruction to be interpreted according to the facts of each particular case. However, our case law provides some guidance and is instructive of how similar matters in the past have been dealt with.</p> <p>-S 278(3) provides that: "The court must, in considering an application in terms of this Chapter for the return of a child, afford that child the opportunity to raisean objection to being returned and in so doing must give due weight to that objection, taking into account the age and maturity of the child"</p>
<b>Spain</b>	<p>Apart from the regulation of the hearing of the child for cases of intra-EU abductions under Arts. 21 and 26 of the Brussels IIb Regulation, regarding the legal framework of child hearings in Spain, since 2015, Art. 778.quinquies.8 LEC establishes that: "Before adopting any decision regarding the appropriateness or inappropriateness of the return of the child or his or her return to the place of origin, the judge, at any time during the proceedings and in the presence of the Public Prosecutor, shall hear the child separately, unless the hearing of the child is not considered appropriate in view of his or her age or degree of maturity, which shall be stated in a reasoned decision. In the examination of the minor, it shall be guaranteed that he/she may be heard in suitable conditions for the</p>

	safeguarding of his/her interests, without interference from other persons, and exceptionally requesting the assistance of specialists when necessary. This may be done by videoconference or any other similar system". This is a special legal provision with respect to the more general provision contained in Art. 9 of Organic Law 1/1996 on the protection of minors. In the year 2021, the doctrine established by the Plenary of the Constitutional Court in Ruling 64/2019 of 9 May 2019, handed down in the question of unconstitutionality regarding Art. 18.2.4 of the Law on Voluntary Jurisdiction, was incorporated into our legislation to establish that the record of the examination must reflect the statements of the minor that are essential and strictly relevant to the decision, preserving privacy. Thus, the new art. 18 of Law 15/2015 on voluntary jurisdiction obliges the Lawyer of the Administration of Justice to draw up the minutes of the hearing, expressing the objective data of the development of the hearing and reflecting the statements of the minor that are essential because they are significant, and therefore strictly relevant for the decision of the case, taking care to preserve their privacy. Furthermore, the judge and the prosecutor must give a reasoned assessment of the examination carried out in the decision that ends the proceedings and, in the report, with the application of the Law on the Protection of Minors 1/1996 being subsidiary. As far as guides or protocols are concerned, there are some at editorial and doctrinal level, but the most recent is the practical guide on the hearing of children drawn up at the XXII Meeting of the Spanish Judicial Network for International Judicial Cooperation (REJUE) by the Civil Workshop No. 2, which took place in Águilas, Murcia, on 23-26 May 2022.
<b>Switzerland</b>	Il n'existe pas de lignes directrices officielles pour la recherche de l'opinion de l'enfant dans une affaire d'enlèvement. Le tribunal ou les experts qui entendent l'enfant dans un cas d'enlèvement doivent s'en tenir à la jurisprudence du Tribunal fédéral (cour suprême suisse) en la matière et aux règles et principes applicables à l'audition de l'enfant en général.
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	see 33 above
<b>United Kingdom (Northern Ireland)</b>	The Official Solicitor is generally appointed and invited to represent the child or children
<b>United Kingdom (Scotland)</b>	Judiciary Provision in Rules of Court and practice developed over many years. See Answer 33.
<b>United States of America</b>	
<b>Uruguay</b>	
<b>Venezuela</b>	Las orientaciones sobre el derecho humano de los NNA a opinar y a ser oídos en los procedimientos judiciales, emanados del Tribunal Supremo de Justicia

## 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

Brazil, Cyprus, Japan, Poland, Singapore, South Africa, United Kingdom (England and Wales), United Kingdom (Northern Ireland)

Never

Belgium, Chile, China (Macao SAR), Costa Rica, Ecuador, Georgia, Lithuania, Montenegro, Peru, Uruguay, Venezuela

Rarely

Argentina, Australia, Bulgaria, Canada, Colombia, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Honduras, Iceland, Israel, Italy, Latvia, New Zealand, Portugal, Türkiye, Ukraine, United Kingdom (Scotland), United States of America

Sometimes

Dominican Republic, Jamaica, Panama, Switzerland

Very often

Spain

Always

No responses

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

Japan, Poland, Portugal, Singapore, South Africa, United Kingdom (Northern Ireland)

Never

Argentina, Brazil, China (Macao SAR), Colombia, Costa Rica, Cyprus, Honduras, Jamaica, Lithuania, Montenegro, Peru, United Kingdom (Scotland), Uruguay

Rarely

Australia, Belgium, Bulgaria, Canada, Chile, China (Hong Kong SAR), Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Germany, Iceland, Israel, Italy, New Zealand, Spain, Türkiye, Ukraine, United Kingdom (England and Wales), United States of America, Venezuela

Sometimes

Dominican Republic, Georgia, Panama, Switzerland

Very often

No responses

Always

No responses

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:

<b>Argentina</b>	<p>Please indicate:</p> <p>Pro forma forms are available on the official website, which makes it easier for the competent authorities to formulate their requests more efficiently, since they present fields to fill in with all the necessary information and the formal requirements in accordance with applicable treaties. Website: <a href="http://www.menores.gob.ar/">http://www.menores.gob.ar/</a> (here you can access the current treaties on the matter and the forms). Furthermore, the restitution team has a cell phone on call which is available 24 hours for emergencies.</p> <p>The Central Authority verifies and assists applicants in obtaining information and documents. It also checks records with local courts and protection agencies.</p>
<b>Australia</b>	<p>The ACA has internal administrative procedures to assist in the processing of applications under the Convention. In the event an application appears not to meet any of the key requirements of the Convention, the ACA will write to the applicant and advise that the ACA is considering rejecting the application, including the basis for doing so. The applicant is provided with an opportunity to provide additional information or evidence to address the issue. If the applicant is unable to provide further evidence/information to satisfy the ACA that the key requirements of the Convention are met, then the ACA will proceed to make a decision on the information and evidence that has been provided. If the application is rejected the applicant is notified of the decision and provided with a statement of reasons. Such decisions are judicially reviewable administrative decisions. As noted above, the Australian Government funds ISS Australia to prepare outgoing applications for Australian applicants free of charge. The quality of these applications is high as they are prepared by dedicated lawyers familiar with the Convention.</p>
<b>Belgium</b>	<ul style="list-style-type: none"> <li>- Le formulaire de requête contient la liste des documents qui doivent être joints par le requérant pour soumettre sa demande.</li> <li>- Les dossiers sont analysés par des juristes et les demandes sortantes sont transmises aux autorités requises accompagnées d'un courrier explicatif complet et traduit reprenant la chronologie des faits et les éléments juridiques et factuels pertinents.</li> </ul>
<b>Brazil</b>	
<b>Bulgaria</b>	<p>we all are Master in law and always do whole analisys of the case.</p>
<b>Canada</b>	<ul style="list-style-type: none"> <li>- Providing fulsome explanations to left-behind parents about the process, required information, forms needing to be completed,</li> <li>- Providing assistance to left-behind parents in completing the required forms and ensuring that the information is presented as clearly as possible,</li> <li>- Making sure that all required documents are attached and have been translated when required,</li> <li>- Thorough communication through email with other CAs.</li> <li>- Where relevant, Canadian CAs can provide information concerning the law applicable in their province or territory concerning rights of custody, either in the form of an affidavit of law, a declaration and/or by providing a copy of the relevant legislation.</li> </ul>

<b>Chile</b>	Hague applications are filled out by the office attorneys, and not directly by the requesting parent, in order to ensure that information is complete and clear. The requesting parent then reviews their application and we make any relevant changes. We also accompany all Hague applications with the complete files of any court cases that took place between the parties in Chile.
<b>China (Hong Kong SAR)</b>	We have set out in our website what additional information the Applicant can provide us with in order to assist our review of his or her application. For more information, please refer to <a href="https://www.doj.gov.hk/childabduct/en/application-for-assistance/return-of-child/index.html">https://www.doj.gov.hk/childabduct/en/application-for-assistance/return-of-child/index.html</a>
<b>China (Macao SAR)</b>	It is deemed that the use of the model form and the form for return applications established by the Central Authority of the Macao SAR with the necessary document check list is helpful in speeding up proceedings.
<b>Colombia</b>	In this cases the Colombian State provides to the citizen all the possible information about the process, the formalities and documents that are required by the requested state, all the information can be found in the next link:  Restitución Internacional y Regulación Internacional de Visitas   Portal ICBF - Instituto Colombiano de Bienestar Familiar ICBF
<b>Costa Rica</b>	In order to send a complete application, we need, as a Central Authority, to correctly advise the applicants with all the necessary requirements, in compliance with the application and attach all the relevant evidence to justify the case.
<b>Cyprus</b>	All relevant information, as well as related documents, is available on the Ministry's website ( <a href="http://www.mjpo.gov.cy">www.mjpo.gov.cy</a> ). Additionally, information is always available by phone.
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	The Dominican Central Authority provides support to the requesting parent to fill out the internal form for the application of the 1980 Hague Convention (written in English or French, in some cases, also with other languages available), this guarantees that we can share all the information available with the Central Authority of the Requested State. Likewise, we send the forms with a certification of our legislation on the proof of the rights of minors in our country, among other good practices.
<b>Ecuador</b>	
<b>El Salvador</b>	El Salvador cuenta con portales web de información pública que da a conocer requisitos para acceder a los servicios de las instituciones públicas. En ese sentido, la PGR a través de su portal de información pública pone a disposición los requisitos para solicitud de asistencia legal en el marco del Convenio de La Haya sobre los Aspectos Civiles de la Sustracción Internacional de menores, cuando la PGR actúa como autoridad central requirente en los casos de Solicitud de Restitución o Derecho de Visita.  Por otro lado, las Unidades Locales de Niñez y Adolescencia de la PGR brindan asesoría y asistencia a la población usuaria en relación a la aplicación del citado Convenio.
<b>Estonia</b>	
<b>Finland</b>	We provide as complete as possible information.
<b>France</b>	L'Autorité centrale française met en ligne, sur son site internet, toutes les informations et pièces devant lui être transmises par le parent qui sollicite

	le retour de son enfant. Elle communique par ailleurs systématiquement aux requérants des formulaires de saisine type dans plusieurs langues (généralement les plus usitées) qui contiennent l'ensemble des renseignements et listent l'ensemble des pièces nécessaires pour accompagner une demande de retour mentionnées à l'article 8 de la Convention de 1980. L'Autorité centrale française accuse par ailleurs réception rapidement de la demande de retour et précise d'emblée au requérant les éléments manquants le cas échéant (voir aussi la réponse à la question 7).
<b>Georgia</b>	Upon receipt of child abduction application, the Central Authority of Georgia contacts the initiator of the request to provide documents prescribed under Article 8 of the 1980 Hague Convention. In outgoing cases the Central Authority of Georgia itself requests relevant information from the Georgian state agencies. As for incoming cases, the Central Authority of Georgia studies the presented documentation and in case of inaccuracy or additional documentation is needed, refers to the requesting Central Authority.
<b>Germany</b>	
<b>Honduras</b>	Currently Honduras Central Authority attending the article 8 complemented with the established in the article 7 of the convention activates its inter-institutional mechanisms specifically with the Registro Nacional de las Personas NRP, the obtaining of IDs, both requestings people or the child which are objects in a international restitution both as requesting state as required state.
<b>Iceland</b>	
<b>Israel</b>	<p>1) The ICA ensures that all three components of the legal basis for the application are fully explained in the outgoing request, with supporting documentation where necessary. Applicant parents do not always know how to explain the legal basis, therefore the ICA ensures that they provide enough information and documentation to establish the legal bases.</p> <p>2) At the time of preparing the outgoing request, the ICA checks the requested countries' Profile to see if other documents are needed or if there are specific language requirements. If there is uncertainty, the ICA will write to the Central Authority in advance in order to obtain information necessary to provide a complete application.</p> <p>3) Legal representation in the requested country - the ICA will check the status table on the HCCH website and the country profile in order to learn whether the requested state made a reservation to the third paragraph of Article 26. If so, where necessary the ICA will contact the requested Central Authority prior to sending the application in order to inquire as to the process for obtaining legal aid, to obtain any necessary forms in advance or to get a list of private attorneys, depending on the situation. In this way the ICA can inform the left behind parent in advance of the requirements for qualifying for legal aid, etc., or provide a list of private attorneys in the requested country, and include this information in the application, in order to expedite the handling of the case.</p>
<b>Italy</b>	In outgoing cases, Italian CA usually opens a preliminary file to give full information to potential applicants and select and check the relevant documents to be attached to applications
<b>Jamaica</b>	
<b>Japan</b>	JCA has set up application forms in English and Japanese that cover all necessary matters and provides a PDF format entry form on its website. In addition, a guide on how to fill out the application form is available in English and Japanese on the website.
<b>Latvia</b>	Samples of the applications are available at the webpage of the Central Authority. Also consultation prior submission of the application.



<b>Lithuania</b>	We have the approved by our Central Authority form of application under Hague Convention. This form of application is available on our website ( <a href="https://vaikoteises.lrv.lt/lt/paslaugos/administracines-paslaugos/prasymai">https://vaikoteises.lrv.lt/lt/paslaugos/administracines-paslaugos/prasymai</a> ), and includes all basic and required information. We also provide in our website quite detailed information on procedures applicable in child abduction cases, required documents and the assistance could be provided by Central Authority.
<b>Montenegro</b>	No.
<b>New Zealand</b>	It is our internal process to include an affidavit of the applicable law setting out the domestic law attributing rights of custody to the left behind parent and support services that are available to a returning TP.
<b>Panama</b>	Requesting as much information to the parent left behind to determine de habitual residency ie. scholarship details, medical chart.
<b>Peru</b>	Advice is provided in the presentation of the application, which must include proof of the child's or adolescent's place of residence.
<b>Poland</b>	n/a
<b>Portugal</b>	This matter fall within the exclusive jurisdiction of the Courts
<b>Singapore</b>	There are internal protocols detailing timeframes that ensure expeditious handling of cases.
<b>Slovakia</b>	All requirements are indicated in Country profile of Slovak Republic
<b>South Africa</b>	The court practice directives of each division
<b>Spain</b>	Since 2015, it has been possible for the left-behind parent to obtain a declaration in Spain that the removal or retention is unlawful, apart from the specific provisions of Art. 15 HC 1980. Thus, in Spain the first paragraph of the new Article 778 sexies, LEC concerning the declaration of wrongfulness of an international removal or retention, provides as follows: When a child habitually resident in Spain is the object of an international removal or retention, in accordance with the provisions of the corresponding convention or applicable international rule, any interested person, regardless of the proceedings initiated to request his or her international return, may apply in Spain to the judicial authority competent to hear the merits of the case with the aim of obtaining a decision specifying that the removal or retention has been wrongful, for which purpose the procedural channels available in Title I of Book IV may be used for the adoption of definitive or provisional measures in Spain, including the measures of Article 158". This is a legal provision that probably goes beyond current legal provisions under arts. 8.2.f and 14 HC 1980."
<b>Switzerland</b>	Nous avons établi des instructions pour les requérants, qui sont publiées sur notre site et que nous transmettons aux personnes intéressées ( <a href="https://www.bj.admin.ch/bj/fr/home/gesellschaft/kindesentfuehrung/verfahren.html">https://www.bj.admin.ch/bj/fr/home/gesellschaft/kindesentfuehrung/verfahren.html</a> ). Cela comprend des listes de documents et traductions nécessaires à la transmission de la requête.
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	<p>Applicants can access an electronic standard application form (including guidance) on gov.uk: International Child Abduction and Contact Unit application form - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>). This explains what the requirements of the Convention are and what documents are needed to support any application made.</p> <p>For outgoing cases, the application is checked and if acceptable then the papers are transmitted to the requested Central Authority. ICACU allows 7 working days to process outgoing applications and if further information/documentation is required they will revert to the applicant</p>

	<p>within that 7 day period.</p> <p>For incoming cases, internal targets ensure a quick turnaround on incoming return applications. Applications are checked and, if a prima facie case exists, referred on to a specialist solicitor within three working days – for the solicitor then to advise the applicant, take instructions and issue an urgent application to court. If more information is required then further questions will be raised with the requesting Central Authority (within the 3 working days).</p>
<b>United Kingdom (Northern Ireland)</b>	NI CA strives to allocate cases within 24 hours of receipt.
<b>United Kingdom (Scotland)</b>	Not applicable
<b>United States of America</b>	The USCA provides a checklist with a list of the required documents, including location information, to complete a Hague application to avoid delays in case processing.
<b>Uruguay</b>	
<b>Venezuela</b>	<p>Con la Planilla de Solicitud a los solicitantes, la ACV proporciona un Instructivo sobre el procedimiento de restitución o derecho de contacto en nuestro país. Igualmente, se recibe y atiende a la parte demandante, de manera personal y directa en la sede de la ACV, a fin de asesorarlo o responder cualquier interrogante o dudas sobre el proceso. Además, las denuncias o planteamientos de un caso de sustracción o retención pueden</p> <p>ser planteadas vía on line en el link:  <a href="http://atencionconsular.mppre.gob.ve">http://atencionconsular.mppre.gob.ve</a>.</p>

38. Considering C&R No 7 of the 2017 SC,<sup>14</sup> 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:

<b>Argentina</b>	
<b>Australia</b>	Information about family violence and financial support services available on return or website addresses where such information can be accessed.
<b>Belgium</b>	/
<b>Brazil</b>	
<b>Bulgaria</b>	no suggestions
<b>Canada</b>	A question on whether the decision on art. 15 is obtained ex parte or whether the taking parent can participate in such proceedings could be added to the Country Profile.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Nil return.
<b>China (Macao SAR)</b>	No comment.
<b>Colombia</b>	We don't have any suggestions
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	

<sup>14</sup> 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."

Denmark	
Dominican Republic	
Ecuador	none
El Salvador	Que el Estado detalle sus parametros internos para establecer un traslado o retención ilícito en base al Convenio.
Estonia	
Finland	-
France	La France ne voit pas l'opportunité d'ajouter des informations au Profil d'Etat pour la Convention de 1980. Il convient que la délivrance de cette attestation soit circonscrite aux cas où la détermination du caractère illicite du déplacement pose difficulté, pour ne pas se substituer à l'appréciation du juge de l'Etat refuge, qui doit se prononcer sur la réalité du déplacement et les critères de retour (cf C&R No6 de la CS de 2017).
Georgia	Georgian Central Authority suggests adding to the Country Profile for the 1980 Convention detailed information on the procedures for determining wrongful removal/retention within the framework of Article 15 of 1980 Hague Convention, the necessary documentation, the person entitled to request determination of wrongful removal/retention and the deadline for considering the request.
Germany	
Honduras	N/A
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	None.
Montenegro	We have no suggestions
New Zealand	
Panama	N/A
Peru	In Peru the Central Authority has no jurisdiction to issue a decision or certification that the removal or retention of the child was wrongful.
Poland	n/a
Portugal	No suggestions
Singapore	
Slovakia	N/A
South Africa	
Spain	Since 2015, in Spain Art. 778.sexies LEC in its second paragraph, provides as follows: The competent authority in Spain to issue a decision or a certificate under Article 15 of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, attesting that the removal or retention of the child was wrongful within the meaning of Article 3 of the Convention, where possible, shall be the last judicial authority which has heard in Spain any proceedings on parental responsibility affecting the child. Failing this, the Juzgado de Primera Instancia of the child's last place of residence in Spain shall have jurisdiction. The Spanish Central Authority will make every effort to assist the applicant in obtaining such a decision or certificate". It would therefore be advisable for the Country profile of each country contracting the HC 1980 to specify the mechanisms and means available for obtaining this type of declaration

	and the competent authority from which to request it plus possible use and applications of direct judicial communications in obtaining these declarations."
Switzerland	Si l'État en question a légiféré au sujet de l'art. 15 (autorité compétente, procédure), il faudrait que cela ressorte clairement du Profil d'État et que celui-ci fournisse des informations précises. Pour les États n'ayant pas légiféré au sujet de l'art. 15, il serait utile de savoir par quel genre de procédure on peut demander une déclaration d'illicéité.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	We consider current information provided to be adequate.
United Kingdom (Scotland)	None
United States of America	N/A
Uruguay	
Venezuela	Ninguna

#### 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

Australia, Belgium, Bulgaria, Chile, China (Hong Kong SAR), Cyprus, Dominican Republic, Ecuador, El Salvador, Estonia, Georgia, Honduras, Italy, Jamaica, Latvia, Lithuania, Montenegro, New Zealand, Peru, Poland, Singapore, United Kingdom (Scotland), Uruguay

Yes

Argentina, Canada, Colombia, Costa Rica, Czech Republic, Denmark, Finland, France, Germany, Iceland, Israel, Panama, Portugal, Spain, Switzerland, Türkiye, United Kingdom (England and Wales), United States of America, Venezuela

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:

Argentina	In cases in which there is a refugee application, the intervening court does not provide information on the status of the process under the argument of the principle of confidentiality. This scenario generates a conflict of interest regarding the due to information the Central Authority has and the confidentiality of the refugee claim. It would be interesting to clarify this situation.
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	Canadian Courts have been seized with return applications under the 1980 Convention where the taking parent had made a refugee claim for them and/or the child or where the taking parent and/or the child had been granted refugee status.

	<p>Canadian Courts have generally refused to suspend the Hague proceedings during the refugee claim process and held that an order for the return of a child under the Convention could be made while a refugee claim on behalf of child is pending.</p> <p>The weight given to a refugee claim or to refugee status in the determination of habitual residence or the application of the exceptions under the Convention has varied. According to the Ontario Court of Appeal, the determination of refugee status for the child gives rise to a rebuttable presumption of a risk of harm within the meaning of art. 13(1)(b).</p> <p>Caselaw:</p> <p>Pending refugee applications:</p> <ul style="list-style-type: none"> <li>- Singh v. Kaur, 2022 MBQB 46 (<a href="https://canlii.ca/t/jnbhv">https://canlii.ca/t/jnbhv</a>)</li> <li>- Kovacs v. Kovacs, [2002] OJ No 3074 (QL) (<a href="https://canlii.ca/t/1w3mt">https://canlii.ca/t/1w3mt</a>)</li> <li>- Toiber v. Toiber, [2006] OJ No 1191 (QL) (<a href="https://canlii.ca/t/1mx5z">https://canlii.ca/t/1mx5z</a>)</li> <li>- Aza v. Zagroudinski, 2014 ONCJ 293 (<a href="https://canlii.ca/t/g7gvh">https://canlii.ca/t/g7gvh</a>)</li> <li>- G.B. v. V.M., 2012 ONCJ 745 (<a href="https://canlii.ca/t/fv5fd">https://canlii.ca/t/fv5fd</a>)</li> <li>- R.G. v. K.G., 2019 NBQB 46 (<a href="https://canlii.ca/t/hzqkb">https://canlii.ca/t/hzqkb</a>) Child refugee status:</li> <li>- A.M.R.I. v. K.E.R., 2011 ONCA 417 (<a href="https://canlii.ca/t/flp6w">https://canlii.ca/t/flp6w</a>)</li> <li>- Borisovs v. Kubiles, 2013 ONCJ 85 (<a href="https://canlii.ca/t/fwbtj">https://canlii.ca/t/fwbtj</a>)</li> <li>- Sabeahat v. Sabihat, 2020 ONSC 2784 (<a href="https://canlii.ca/t/j89bb">https://canlii.ca/t/j89bb</a>)</li> </ul>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	Many of our cases have the refugee requests. Mostly are nicaraguans. But the strongest case we had with refugee application was an incoming case from the USA. The Constitutional Court has explain about the issue between the Hague Convention and Refugee Convention. And there the most signifcant resolution we had, is the one in this file: SI-NIC-E-0002-2021 / 21-000082-0673-NA. The judge explain clearly how both conventions of human rights must work in harmony and that the Hague Convention provides the exception of article 20 for this cases.
<b>Cyprus</b>	
<b>Czech Republic</b>	In none of there cases return proceedings have yet been initiated.
<b>Denmark</b>	We have experienced that in some member states the international abduction case is put on hold until the asylum claim has been processed. In other cases, we have experienced that the return case proceeds even though there is an asylum application.
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	Dans certains dossiers traités par l'Autorité centrale française, le parent ayant déplacé l'enfant en France avait déposé une demande d'asile, et a obtenu l'asile ou la protection subsidiaire durant la procédure, ce qui a pu être pris en considération par la juridiction saisie de la demande de retour au regard notamment de l'article 13 b) de la Convention.

	<p>Des questions ont également été soulevées au regard de l'impossibilité, pour l'Autorité centrale française, de communiquer à une Autorité centrale étrangère les décisions rendues par les autorités françaises compétentes en matière de droit d'asile (Office français de protection des réfugiés et des apatrides - OFPRA - et Cour nationale du droit d'asile - CNDA) en vertu du principe à valeur constitutionnelle de confidentialité qui s'attache à la procédure et à la décision d'asile (décision du Conseil constitutionnel n°97-389 DC du 22 avril 1997).</p> <p>D'une manière plus générale, l'articulation entre les dispositions de la Convention de 1980 et les dispositions applicables en matière de droit d'asile suscite des interrogations quant à la détermination du caractère ou non licite des déplacements internationaux d'enfants.</p>
<b>Georgia</b>	
<b>Germany</b>	<p>OLG Stuttgart, decision dated 27 December 2021 (Case No. 17 UF 282/21): Both parents were granted asylum in Italy. The mother abducted the child to Germany and applied for asylum in Germany. The administration court held that, notwithstanding the fact that the mother was a registered refugee in Italy, a deportation to Italy was unlawful because of a great risk of suffering substantive hardship on return.</p> <p>In the return proceeding under the 1980 Convention before the family court the taking mother claimed an exemption under Art. 13 (1) (b) of the Convention referring to the judgment of the administrative court. The family court, however, held that Art. 13 (1) (b) of the Convention is not applicable. According to the family court asylum claims and return claims are different in respect to their requirements and legal consequences and therefore the findings of the administrative court cannot be taken as a basis for the judgment in the return proceeding. Moreover, the burden of proof regarding the exceptions under Art. 13 of the Convention is solely with the taking parent. In this case, however, the taking mother did not bring enough evidence to prove that the return to Italy put her and the child at a great risk.</p>
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	<p>No challenges/questions have arisen in cases in Israel. However, in an outgoing case, the Hague Convention case was postponed by the court in the requested State in order to await the outcome of a refugee claim filed by the taking parent (the claims were not with respect to the left-behind parent but rather with respect to the taking parent's own family) with the relevant authorities in that State (despite the attorney's claims that such arguments could be dealt with the court under Article 13(b). This resulted in a 10-month delay in the Hague Convention proceedings. The taking parent's case was dismissed by the refugee board, as was her appeal. At that point she voluntarily returned to Israel with the children. The case causes concern, due to the delay that was caused in the Hague Convention case as a result of issues that arguably could have been dealt with under Article 13(b).</p>
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	



<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	minors displaced to Portugal from Ukraine
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	
<b>Spain</b>	Insofar as the case law of the ECJ is binding on Spain, it is relevant to cite the recent case of the judgement 2.08.2021 pronounced in the preliminary ruling C-262/21 PPU by reference to the Brussels IIa and Dublin III Regulations. The case concerned the transfer of a custodial parent with his child to a Member State other than that in which the child was habitually resident, in order to comply with a transfer decision, concerning both that parent and his or her child, taken by the competent national authorities pursuant to the Dublin III Regulation. In this case it has been held that this does not constitute unlawful conduct provided that the decision was enforceable at the date of the transfer and had not, at that date, been suspended or annulled.
<b>Switzerland</b>	Vu le principe du secret de la procédure d'asile, une attention particulière doit être portée par toutes les autorités impliquées aux informations fournies au requérant et à l'AC requérante.
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	<p>Judiciary These challenges were addressed, in part, by our UK Supreme Court in <i>G v G</i> [2021] UKSC 9 (see Q3). There has not yet been any substantive appellate decision on the effect of the grant of asylum on an application under the 1980 Hague. At first instance, it has been decided that the grant of asylum is a bar to the making or enforcement of a return order under the Convention: <i>E v E</i> and the Secretary of State for the Home Department [2017] EWHC 2165 (Fam) Other cases have dealt with the issue of the disclosure of information/documents, in particular from the asylum claim to the abduction proceedings for example <i>R (A Child) (Asylum and 1980 Hague Convention Application)</i> [2022] EWCA Civ 188.</p> <p>As a result of the decision in <i>G v G</i>, revised Case Management Guidance (of March 2023) was issued (see Q1 above).</p>
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	<p>This is a topic on which relatively few courts in the United States have opined. As such, the posture of the caselaw may continue to evolve.</p> <p>However, currently, a grant of asylum may be relevant, but is not dispositive to, a finding by the court hearing a case for return under the Hague Abduction Convention that a respondent has sufficiently proven the exceptions to return defined at Article 13(b) or Article 20. The elements to be proved, the burdens of proof, and the legal standard used when deciding whether to grant asylum in the United States differ from those used in the Hague Abduction Convention and the International Child Abduction Remedies Act (the U.S. implementing legislation for the Convention) that, if proven, allow courts the discretion to grant or deny return under Article 13(b) or Article 20. Thus, U.S. courts have held that even if a child has been granted asylum, a court in Hague Abduction Convention proceedings must still analyze whether the evidence satisfies</p>

	the exceptions to return in Articles 13(b) and/or 20. Moreover, under current U.S. caselaw, a grant of asylum does not remove a court's authority to determine whether a child should be returned under the Hague Abduction Convention, and does not prohibit the court from ordering return.
<b>Uruguay</b>	
<b>Venezuela</b>	En los casos de Venezuela como País Requerido No. Sin embargo como País Requirente sí. Sobre el particular, específicamente con los países "Estados Unidos y Suecia" se han tramitado de forma paralela ambos procesos, aunque, el asilo no influyó como elemento principal para negar la restitución.

Do not know

Brazil, China (Macao SAR), Japan, Slovakia, South Africa, Ukraine

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

Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Georgia, Germany, Iceland, Israel, Italy, Jamaica, Lithuania, Montenegro, Panama, Peru, Poland, Singapore, Slovakia, Türkiye, Ukraine, United Kingdom (England and Wales), United States of America, Uruguay

Yes

Argentina, Australia, Belgium, Brazil, Canada, Estonia, France, Honduras, Japan, Latvia, New Zealand, Portugal, South Africa, Spain, Switzerland, United Kingdom (Scotland), Venezuela

Please specify:

<b>Argentina</b>	In cases in which, according to the intervening court, it is in the best interest of the child and/or adolescent to return, and the child and/or adolescent manifestly opposes it.
<b>Australia</b>	<p>There has been significant public and media commentary regarding the best interest of the child in 1980 Convention matters, particularly in the context of family violence and grave risk, and also in the context of First Nations children.</p> <p>This position has been judicially considered. For example, in <i>DP v Commonwealth Central Authority</i> (2001) 206 CLR 401, their Honours Gaudron, Gummow and Hayne JJ concluded that it was not possible to assess grave risk without considering the best interests of the child, and a court can't avoid doing so by saying that it is not for them to consider merits of custody. Their Honours stated at paragraph 41 that: In a case where the person opposing return raises the exception, a court cannot avoid making that prediction by repeating that it is not for the courts of the country to which or in which a child has been removed or retained to inquire into the best interests of the child. The exception requires courts to make the kind of inquiry and prediction that will inevitably involve some consideration of the interests of the child.</p>

	<p>Such a position has also been supported by more recent cases such as Commonwealth Central Authority v Sangster [2018] FamCA 765, in which her Honour Justice Bennett emphasised "the independent child's lawyer was an advocate for the children's best interests, to the extent that best interest considerations are relevant in these proceedings" [at paragraph 102]. In Department of Communities and Justice v Hays [2022] FedCFamC1F 752, his Honour Justice Strum emphasised: "Accordingly, the best interests of the children, although not irrelevant, are not the paramount consideration. Rather, these proceedings are merely to determine in which forum their best interests will be litigated between their parents' [at paragraph 1].</p> <p>As mentioned under question 1, Australia amended the Family Law (Child Abduction Convention) Regulations 1986, Australia's implementing legislation, through the Family Law (Child Abduction Convention) Amendment (Family Violence) Regulations 2022, to clarify the judicial handling of family violence risks in matters brought under the 1980 Convention, and codify judicial good practice. "</p>
<b>Belgium</b>	<p>Oui, ce concept suscite des débats et crée des difficultés pour le juge saisi d'une demande de retour lorsque celui-ci estime qu'il est finalement conforme à son intérêt que l'enfant reste auprès du parent qui est coupable de déplacement illicite mais que cette appréciation n'est pas de nature à justifier un refus d'ordonner le retour basée sur une interprétation restrictive des exceptions de l'article 13.</p> <p>L'obligation faite au « juge du retour » de se situer sur un autre plan que le juge du fond pour décider si l'enfant doit retourner dans son Etat d'origine, avec l'objectif qu'un juge de cet Etat statue en définitive sur la possibilité de déplacer la résidence habituelle de l'enfant, suscite un réel inconfort car la notion de l'intérêt de l'enfant ne repose pas sur les mêmes critères dans ces deux types de procédures. Cet inconfort est d'autant plus grand quand « le juge du retour » rencontre l'enfant personnellement.</p>
<b>Brazil</b>	<p>It is considered that the best interests of the child should be the fundamental principle guiding the concrete solution of the case of international child abduction. The most contemporary conception of the principle considers that the earliest possible return of the child to his/ her habitual residence is an adequate measure so that the child's issues with his/her parents (custody, visitation regime, maintenance) are settled by the judge of his/her habitual residence.</p>
<b>Bulgaria</b>	
<b>Canada</b>	<p>Canadian courts recognize that the best interests of wrongfully retained or removed children are met through the application of the 1980 Convention (prompt return of the child subject to the limited exceptions provided by the Convention). Furthermore, the issue of best interests of the child with respect to custody and access rights are better left to be determined by the Contracting Party in which the child was habitually resident before the wrongful removal or retention.</p> <p>In 2018, the Supreme Court of Canada confirmed that there is no conflict between the 1980 Convention and the Convention on the Rights of the Child (Office of the Children's Lawyer v. Balev, 2018 SCC 16, at para. 34 - <a href="https://canlii.ca/t/hrlfk">https://canlii.ca/t/hrlfk</a>).</p>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	

<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	<p>Le concept de l'intérêt supérieur de l'enfant constitue régulièrement un sujet de débat devant les autorités judiciaires et fait partie des éléments soumis à leur appréciation pour statuer sur une demande de retour. Il s'agit d'une notion difficile à appréhender, dès lors que chacune des parties peut parvenir à la relier à ses propres intérêts (maintien des liens avec un parent ou avec la fratrie, stabilité des conditions de vie et intégration favorable de l'enfant dans son nouveau milieu...).</p> <p>La prise en compte de l'intérêt supérieur de l'enfant dans le cadre d'une procédure de retour peut par ailleurs entrer en contradiction avec les limites de la compétence des autorités judiciaires qui ne statuent pas au fond, alors que la prise en compte de l'intérêt supérieur de l'enfant amène naturellement à une approche globale des besoins de celui-ci.</p> <p>La Cour de cassation française a ainsi eu l'occasion de s'appuyer sur l'article 3 § 1 de la Convention de New-York du 20 novembre 1989 afin de préciser qu'il résulte de ce texte que les exceptions au retour prévues par les dispositions de l'article 13, b de la Convention de 1980 doivent être appréciées en considération primordiale de l'intérêt supérieur de l'enfant (Civ. 1ère, 5 novembre 2020, n° 20-17.842 ; Civ. 1ère, 28 janvier 2021 / n° 20-12.213).</p> <p>Plus récemment, les juridictions françaises observent que ce concept a pu justifier servir de fondement au refus d'ordonner le retour de l'enfant lors de la pandémie de Covid-19, alors que la scolarité des mineurs concernés pouvait être affectée par les conditions sanitaires du pays de leur résidence habituelle. Par ailleurs, certains procureurs de la République refusent d'introduire une procédure judiciaire en vue du retour de l'enfant dans un pays en guerre, conformément à leur intérêt supérieur.</p>
<b>Georgia</b>	
<b>Germany</b>	
<b>Honduras</b>	<p>Based on the best interest of the child and complemented by article 13 of 1980 Convention, Honduras judges in several cases determined non precedent the international restitution requestings, determining the huge challenge that we have as State is the need of the unification of judges criteria regarding the application of the 1980 Convention the creation of guidelines, protocols and special laws to the correct and unified application of the 1980 Convention</p>
<b>Iceland</b>	
<b>Israel</b>	<p>In Request for Family Appeal 5041/19, the Supreme Court dealt with the question of the habitual residence of three minors whose parents resided in California but then moved to Israel and initiated divorce procedures. The parents got married in California, where all three children were born and as such hold American citizenship. The family moved to Israel in 2018 for a trial period, not before signing a document (authenticated by the</p>

	consulate) declaring that the permanent residence of the minors is in fact in California. In 2019, one of the parents refused the other to take the minors to a visit in the US, which prompted a petition to the court for the return of the minors to California, as per the Convention. The Supreme Court emphasized that the Convention is intended to deal with the phenomenon where children are taken by one parent to a different country in a way that infringed upon the other parent's custody rights. The Convention places great importance on the best interest of the child and is not a tool or procedure that is meant to resolve custody or property disputes between parents. As such, it is vital that the procedure under the Convention is completed quickly and determines in which location the rest of the disputes shall be resolved. In this case, the Court held the previous instances' decisions, ordering the return of the minors to California, where custody and other matters will be decided.
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	<p>[Judicial proceedings] Japanese courts consider the best interests of children in making judgements. Thus it has been pointed out that determining whether there is a grave risk" or other grounds for refusal of return must take into account what may be the best interests of children.</p> <p>[Legislation] The Family Law Subcommittee of the Legislative Council, an advisory body to the Minister of Justice, is currently conducting an extensive examination of matters regarding divorce and related systems, including how custody of children after divorce ought to be, from the perspective of factors including securing the interests of children."</p>
<b>Latvia</b>	<p>In 2021, there has been a general discussion about the concept of best interests. This concept is enshrined in our national legislation as a universal principle that must be considered in all activities which directly or indirectly affect or may affect the child. In 2021, amendments were made to the Law on the Protection of the Children's Rights, listing these activities more precisely and defining universal aspects that must be taken into account when determining the best interests of the child (see Article 6, paragraphs 2 and 2prim of the Law on the Protection of the Children's Rights).</p> <p>The Law on the Protection of the Children's Rights) is available at: <a href="https://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights">https://likumi.lv/ta/en/en/id/49096-law-on-the-protection-of-the-childrens-rights</a></p>
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	<p>Reliance upon the concept of the best interests of the child is not an uncommon argument in child abduction proceedings.</p> <ul style="list-style-type: none"> <li>o In the 2019 Court of Appeal case of Simpson v Hamilton the court decided on the basis of a recent updated psychologist report that the significant risks to the child's mental health and future development could not now be justified by any prospective benefit in terms of the Hague Convention. This was despite the mother removing the child from Germany without the consent of the father.</li> <li>o In the 2020 Court of Appeal case of LRR v COL the court utilised the best interest of the child concept, as well as the mother's frail mental health to decline the father's application to have the child returned to Australia. There was also evidence of recent Australian convictions of the father for assaulting the mother and for breaching family violence orders and bail</li> </ul>

	<p>conditions.</p> <p>o In the 2023 High Court case of Anderson v Lewis the judge considered that for the reasons set out in the decision, the 11-year-old's firm objection to be returned to the United States should be viewed as decisive. The child was settled in his school where he was doing well and was in what he states is a safe and secure home environment over the last 20 months. The best interest of the child accordingly prevailed in this case over the requirements of the Care of Children Act 2004.</p> <p>o A different outcome however resulted in the 2023 Court of Appeal decision in Roberts v Creswell where the children were ordered to return to France. Whilst accepting that the mother would face practical difficulties relocating back to France, the court expected that the mother would be able to seek further protective measures from the French Family Court, if these were required in the best interests of the children.</p>
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	This matter fall within the exclusive jurisdiction of the Courts
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	some of the arguments have been that it would be in the child best interests to determine care in the country the child has been abducted to rather than allow return. Doing so prolongs the anxiety trauma the child may experience.
<b>Spain</b>	This is a question that is always on the table and whose application to each specific case is left to the discretion of judges and courts. In order to provide correct guidance in the application of the best interests of the child, art. 2 on the best interests of the child of Organic Law 1/1996, of 15 January, on the Legal Protection of Minors, partially amending the Civil Code and the Civil Procedure Act, was recently amended by Organic Law 8/2015, of 22 July. Ref. BOE-A-2015-8222 and by Organic Law 8/2021, of 4 June. Ref. BOE-A-2021-9347, to include the most modern doctrine on the best interests of the child in accordance with the postulates of the United Nations and the European Union.
<b>Switzerland</b>	Le degré de l'examen de l'intérêt de l'enfant dans le cadre de la procédure de retour, surtout en lien avec l'art. 13 (1) (b), suscite souvent des discussions.
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	None in England and Wales. Discussed at a judicial conference in South Africa in March 2023
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	Judiciary Ongoing discussions following the 2011 UK Supreme Court decision in Re E about whether and to what extent child welfare concerns contribute to an Article 13(b) defence.
<b>United States of America</b>	
<b>Uruguay</b>	
<b>Venezuela</b>	Al principio, la autoridad judicial tenía dificultades para interpretar dicho concepto, aplicándolo en el sentido de la ley especial nacional. Hoy en día, la autoridad judicial requerida, tienen claro que dicho concepto debe ser interpretado en el sentido de lo recomendado por la doctrina internacional recomendada, es decir, en el sentido de no ser sustraído o retenido del país de su residencia habitual.



Use of the 1996 Convention<sup>15</sup>

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):

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

Argentina	Yes, it would be especially important the determination of jurisdictional basis in particular for cases with domestic violence or violence against the child, because it would be necessary
Australia	
Belgium	
Brazil	Lei 8069/1990 establishes the statute for children and adolescents, and provides other measures.
Bulgaria	
Canada	As part of the continued efforts towards ratification, we are notably considering the fact that the 1996 Convention reinforces and complements the 1980 Convention. We are therefore taking into account all the benefits of the 1996 Convention listed in (a) to (e).
Chile	
China (Hong Kong SAR)	While we have no intention to join the 1996 Convention at present stage, we will continue to keep in view the condition of the relevant aspects.
China (Macao SAR)	No comment.
Colombia	Colombia does give applicability to the agreement
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	
Estonia	
Finland	
France	
Georgia	
Germany	
Honduras	
Iceland	
Israel	Israel recognizes the positive aspects and advantages of the 1996 Convention and is currently conducting an extensive examination of the provisions of the Convention in order to consider acceding.
Italy	
Jamaica	
Japan	

<sup>15</sup> 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"](#).

Latvia	
Lithuania	
Montenegro	See answer under 42
New Zealand	<p>The New Zealand CA notes that during covid-19 the 1996 Convention provided a level of reassurance to member States to secure a safe return of children by making orders under Art 7 and 11 for urgent protective measures.</p> <p>The New Zealand CA is concerned that the interpretation of what constitutes a protective measure under the 1996 Convention imposed to facilitate a safe return can have a very broad interpretation.</p> <p>The difference in interpretation has the potential to undermine the primary purpose of the Convention and that the law of the contracting States relating to such rights be respected.</p>
Panama	yes
Peru	
Poland	n/a
Portugal	
Singapore	The party requesting will have to file an application for a judicial determination
Slovakia	
South Africa	Protective measures are considered as part of return proceedings
Spain	
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	N/A
United Kingdom (Scotland)	
United States of America	The United States is currently considering whether to become party to the 1996 Child Protection Convention. The Uniform Law Commission in the United States has adopted proposed amendments to the uniform state law that would assist in implementing that Convention – the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). In the meantime, U.S. state courts, through the current version of the UCCJEA, may already have the authority to recognize a foreign order of child custody and access as long as there was due process in the underlying proceeding. Additionally, state courts in the United States may take emergency jurisdiction to effectuate certain protective measures.
Uruguay	
Venezuela	

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

Argentina	It would be important for the child's protection during the processing of the return request
Australia	
Belgium	

Brazil	
Bulgaria	
Canada	See response under (a)
Chile	
China (Hong Kong SAR)	See (a) above.
China (Macao SAR)	No comment.
Colombia	Colombia does not give applicability to the agreement
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	
Estonia	
Finland	
France	
Georgia	
Germany	
Honduras	
Iceland	
Israel	See answer (a) above.
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	
Montenegro	See answer under 42
New Zealand	
Panama	yes
Peru	
Poland	n/a
Portugal	
Singapore	The party requesting will have to file an application for a judicial determination
Slovakia	
South Africa	Domestic Legislation does provide for the best interests of the child which does incorporate protective measures.
Spain	
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	N/A
United Kingdom (Scotland)	

United States of America	Please see response to 41(a)
Uruguay	
Venezuela	

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

Argentina	Yes, especially the intervention of child protection agencies
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	See response under (a)
Chile	
China (Hong Kong SAR)	See (a) above.
China (Macao SAR)	No comment.
Colombia	Colombia does not give applicability to the agreement
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	
Estonia	
Finland	
France	
Georgia	
Germany	
Honduras	
Iceland	
Israel	See answer (a) above.
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	
Montenegro	See answer under 42
New Zealand	
Panama	yes
Peru	
Poland	n/a
Portugal	
Singapore	The party requesting will have to file an application for a judicial determination
Slovakia	
South Africa	

Spain	
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	N/A
United Kingdom (Scotland)	
United States of America	Please see response to 41(a)
Uruguay	
Venezuela	

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

Argentina	It would be important in order to speed up the procedure for the child's return.
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	See response under (a)
Chile	
China (Hong Kong SAR)	See (a) above.
China (Macao SAR)	No comment.
Colombia	Colombia does not give applicability to the agreement
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	
Estonia	
Finland	
France	
Georgia	
Germany	
Honduras	
Iceland	
Israel	See answer (a) above.
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	

Montenegro	See answer under 42
New Zealand	
Panama	direct communication with child authority SENNI AF
Peru	
Poland	n/a
Portugal	
Singapore	The Singapore Central Authority works closely with overseas Central Authorities in ensuring the child's safety and monitoring the effectiveness of measures put in place upon the child's return.
Slovakia	
South Africa	
Spain	
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	N/A
United Kingdom (Scotland)	
United States of America	
Uruguay	
Venezuela	

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

Argentina	Every other cooperation provision that is issued in order to guarantee the interest of the child will improve the analysis and development of the processes.
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	See response under (a)
Chile	
China (Hong Kong SAR)	See (a) above.
China (Macao SAR)	No comment.
Colombia	Colombia does not give applicability to the agreement
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	
Estonia	
Finland	



France	
Georgia	
Germany	
Honduras	
Iceland	Iceland is preparing to become a Party to the 1996 Convention.
Israel	See answer (a) above.
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	
Montenegro	See answer under 42
New Zealand	
Panama	yes
Peru	
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	
Spain	
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	Not applicable
United Kingdom (Northern Ireland)	N/A
United Kingdom (Scotland)	Not applicable
United States of America	Please see response to 41(a)
Uruguay	
Venezuela	

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?<sup>16</sup>

No

Colombia, Costa Rica, Denmark, Italy, Spain, United Kingdom (England and Wales)

Yes

<sup>16</sup> 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.)

Australia, Belgium, Bulgaria, Cyprus, Czech Republic, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Honduras, Latvia, Lithuania, Poland, Portugal, Slovakia, Switzerland, Türkiye, Ukraine, United Kingdom (Northern Ireland), United Kingdom (Scotland), Uruguay

Please specify:

<b>Argentina</b>	We are not part of the 1996 Convention
<b>Australia</b>	These are rarely sought, but can be provided in appropriate cases.
<b>Belgium</b>	Eventuellement, à la demande du parent se trouvant en Belgique si celui-ci fait état d'une situation problématique dans l'état de résidence habituelle.
<b>Brazil</b>	
<b>Bulgaria</b>	In case Social Service or parent who stayed in Bulgaria wants it because there is no back information.
<b>Canada</b>	
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	The 1996 Convention is not applicable to the Macao SAR.
<b>Colombia</b>	Colombia does not give applicability to the agreement
<b>Costa Rica</b>	
<b>Cyprus</b>	Upon a receipt of such a request from a contracting party, Reports on the situation of a child are prepared by the Social Welfare Services of the Republic.
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	Central Authority provides information on the status of children by reports done by specialists of the Ministry of Women and Human Rights.
<b>El Salvador</b>	No aplica
<b>Estonia</b>	
<b>Finland</b>	Finnish Social Welfare authorities can provide report on request. The Central Authority does not initiate requests.
<b>France</b>	<p>Le concept de l'intérêt supérieur de l'enfant constitue régulièrement un sujet de débat devant les autorités judiciaires et fait partie des éléments soumis à leur appréciation pour statuer sur une demande de retour. Il s'agit d'une notion difficile à appréhender, dès lors que chacune des parties peut parvenir à la relier à ses propres intérêts (maintien des liens avec un parent ou avec la fratrie, stabilité des conditions de vie et intégration favorable de l'enfant dans son nouveau milieu...).</p> <p>La prise en compte de l'intérêt supérieur de l'enfant dans le cadre d'une procédure de retour peut par ailleurs entrer en contradiction avec les limites de la compétence des autorités judiciaires qui ne statuent pas au fond, alors que la prise en compte de l'intérêt supérieur de l'enfant amène naturellement à une approche globale des besoins de celui-ci.</p> <p>La Cour de cassation française a ainsi eu l'occasion de s'appuyer sur l'article 3 § 1 de la Convention de New-York du 20 novembre 1989 afin de préciser qu'il résulte de ce texte que les exceptions au retour prévues par les dispositions de l'article 13, b de la Convention de 1980 doivent être appréciées en considération primordiale de l'intérêt supérieur de</p>

	<p>l'enfant (Civ. 1ère, 5 novembre 2020, n° 20-17.842 ; Civ. 1ère, 28 janvier 2021 / n° 20-12.213).</p> <p>Plus récemment, les juridictions françaises observent que ce concept a pu justifier servir de fondement au refus d'ordonner le retour de l'enfant lors de la pandémie de Covid-19, alors que la scolarité des mineurs concernés pouvait être affectée par les conditions sanitaires du pays de leur résidence habituelle. Par ailleurs, certains procureurs de la République refusent d'introduire une procédure judiciaire en vue du retour de l'enfant dans un pays en guerre, conformément à leur intérêt supérieur.</p>
<b>Georgia</b>	In accordance with Article 32 (a) of the 1996 Convention Georgian Central Authority will refer to the State Care Agency in order to prepare the report on the situation of the child.
<b>Germany</b>	See Question 32. A request for cooperation under the 1996 Convention can be made anytime before, during or after return proceedings
<b>Honduras</b>	DINAF through the UTECH petitioned by a contracting party of the 1996 Convention makes the belong follow up of the case making the psychological or social tests regarding to a concrete case.
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	The similar instruments provided by EU regulations are used among member States
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	Only if requested, it would be arranged through intermediaries (Orphan's and Custody Court).
<b>Lithuania</b>	We have never received such requests, but we would provide report of situation of the child after the return, if would be requested.
<b>Montenegro</b>	The convention is under the jurisdiction of the Ministry of Labor and Social Welfare
<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	A report on the child's current situation can be made by the court guardian in any situation where there is a need and a request is made.
<b>Portugal</b>	Upon request of other Central Authorities, of Courts or the Child Protection Services
<b>Singapore</b>	
<b>Slovakia</b>	If requested by the competent authority.
<b>South Africa</b>	N/A
<b>Spain</b>	
<b>Switzerland</b>	
<b>Türkiye</b>	A request for cooperation under the 1996 Convention can be made anytime before, during or after return proceedings.
<b>Ukraine</b>	As the CA to the 1996 Convention (before 01.01.2023) we have received requests under Article 32 of the 1996 Convention on obtaining the report on the situation of the child concerning whom the return cases under 1980 Convention was pending by the CA.
<b>United Kingdom (England and Wales)</b>	<p>ICACU has no recent experience of competent authorities asking for cooperation but would process any requests if received and if in scope.</p> <p>Please read this reponse in conjunction with ICACU's reply to Q13. While ICACU will accept any request that is within scope it would reiterate that</p>

	there is sometimes a reluctance on the part of local authorities in England and Wales to take on work relating to child abduction when their experience is more suited to issues of child protection.
United Kingdom (Northern Ireland)	Hague 1996 convention protocols are followed
United Kingdom (Scotland)	A welfare check on the child can be requested under 1996 Hague Convention and actioned by Social Services
United States of America	
Uruguay	We haven't been requested such cooperation so far, but it is feasible to provide it.
Venezuela	

### 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:

Argentina	There are cases where the father or mother refuses to return due to violence matters or security matters. In Argentina there are multiple protection measures for cases of violence or abuse. They depend and vary in each jurisdiction. In these cases, the children can return with another relative or authorized person.
Australia	In circumstances where a primary carer, who is also the taking parent, is unwilling to return with the child to the requesting State for reasons of personal security, the court has imposed conditions upon a return order for the child to mitigate the suggested risks of personal harm that have been alleged by the taking parent. In some cases, the court may find that the inability of a taking parent to return to the requesting jurisdiction poses a grave risk of harm to the child(ren) or would otherwise place the child(ren) in an intolerable situation. If such risks cannot be mitigated through the use of conditions, the court may refuse to order the return of the child(ren). Australian courts do not seek undertakings from requesting parents relating to non molestation of the taking parent as such undertakings are not enforceable and raise an unrealistic expectation of protection on the part of the taking parent. Where necessary, conditions relating to non molestation, such as mirror orders or some other enforceable mechanism, might be used.
Belgium	/
Brazil	In the majority of incoming cases to Brazil the taking parent presents allegations on violence against other members of the family other than the child. Unfortunately, most of those cases, although the TP does not present adequate support evidence, are being ruled by the Brazilian Courts, in favor of the taking parent, dismissing the return proceedings. We can ascertain that, in some of those cases, there is a misuse of the grave risk exception by taking parents. In almost all cases - where the allegation of domestic violence has been presented or not - Brazilian Courts insist on producing evidence not only on the risks of returning the child, but also regarding the potential settlement of the child to the new environment. In cases when the TP alleges that she/he is not in a position to return with the child, the BCA tries to engage the LBP and/or diplomatic

	authorities on accompany the child back to the country of habitual residence
<b>Bulgaria</b>	different = Usually Social Service is the one who deal with such situation and in case of domestic violence - the Police.
<b>Canada</b>	<p>In a non-Hague case, (where the applied standard was that of “serious harm” under s. 23 of the Ontario Children’s Law Reform Act, which is lower than the grave risk of harm under art. 13(1)(b) of the 1980 Convention) the Supreme Court of Canada rejected the argument that separation from a primary caregiver in and of itself and without regard to the individualized circumstances, amounts to a “serious harm”.</p> <p>The Court also indicated that judges should consider whether undertakings made by the left-behind parent to the primary caregiver could be joined to the return order to lift the obstacles to the parent’s return or to address any other aspect of the anticipated risk of harm to the child (e.g. an undertaking to facilitate daily contact between the taking parent and the child or to attend to financial or administrative obstacles to the primary caregiver’s return). The Court noted that such undertaking would only attenuate the risk of harm if there were satisfactory evidence that they would be respected and enforceable in the other jurisdiction (F. v. N., 2022 SCC 51, at para. 77-81: <a href="https://canlii.ca/t/jt977">https://canlii.ca/t/jt977</a>).</p> <p>Finally, the Court reiterated the principle that “a parent ought not to be able to create serious harm and then rely on it through their own refusal to return” (F. v. N., 2022 SCC 51, at para. 82).</p>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	The court will obtain undertakings from the left-behind parent as to the protective measures in place if the child is returned to his/her habitual residence, which may include any arrangements for the daily care of the child upon return. The non-return of the taking parent is not considered as an obstacle to the return of the child if there are sufficient protective measures in place to safeguard the return of the child.
<b>China (Macao SAR)</b>	There were no such cases.
<b>Colombia</b>	Yes, we had some cases in which the judge takes the decision under the article 13 of the Hague convention
<b>Costa Rica</b>	100% of our cases, the taking parent refuses to return the child to the habitual residency for those reasons. When the case has been prosecuted, the judge or judges, based on the evidence and testimonies, make the most appropriate decision for the case.
<b>Cyprus</b>	Not aware of any cases
<b>Czech Republic</b>	These circumstances are taken into account by the courts when making decisions, but we have not encountered such a case.
<b>Denmark</b>	We are not aware.
<b>Dominican Republic</b>	We have known cases that present these characteristics, in these cases the person who has the minor must provide documentary evidence of the existence of situations of abuse or violation of rights that have been carried out against them. The Central Authority and the judicial authorities of the Dominican Republic will analyze these documents in order to determine if it is possible to make use of the exceptions contained in article 13 of the 1980 Hague Convention. The documents that will be analyzed must be issued by authorities of the place of habitual residence of the minor, events prior to his transfer. Likewise, the minor person may be heard depending on their degree of maturity, this is a fundamental principle that is established in our Law 136-03 (national legislation for the Protection of Minors).

<b>Ecuador</b>	No
<b>El Salvador</b>	Se toma en consideraci3n las excepciones establecidas en el art. 13 del Convenio de sustracci3n.
<b>Estonia</b>	
<b>Finland</b>	These cases are very rare. If necessary, the Police and the Social Welfare authorities could be involved.
<b>France</b>	<p>Les motifs de refus de retour 6voqu6s sont en g6n6ral soulev6s lors de la proc6dure, sur le fondement de l'article 13 de la Convention de 1980. Les autorit6s judiciaires donnent syst6matiquement la possibilit6 au parent ravisseur de s'expliquer sur la situation familiale, avant l'introduction de la proc6dure judiciaire et pendant celle-ci. Elles tiennent compte des 6l6ments fournis lors de son audition et pouvant r6v6ler un danger pour l'enfant (ex. plaintes d6pos6es 6 l'6tranger et/ou en France, photographies de coups et blessures, ordonnances protection). Certaines autorit6s judiciaires fran6aises soulignent l'existence d'un d6faut d'information sur le syst6me de protection contre les violences intra-familiales dans le pays de la r6sidence habituelle de l'enfant, et 6 la carence probatoire du parent ravisseur qui all6gue l'existence de violences contre lui-m6me et / ou l'enfant dans le pays de sa r6sidence habituelle.</p> <p>Si le juge saisi du retour d6cide malgr6 tout, en son appr6ciation souveraine, d'ordonner le retour, et que le parent ayant d6plac6 l'enfant refuse de le ramener volontairement, il convient que la d6cision soit ex6cut6e et la force publique peut 6tre utilis6e.</p> <p>En France, le procureur de la R6publique est en charge de l'ex6cution des d6cisions de retour. Des dispositions en vigueur depuis 2012 et pr6cis6es en 2017 lui donnent les moyens ad6quats pour assurer l'ex6cution des d6cisions de retour, allant de l'incitation 6 une ex6cution amiable de la d6cision (articles 1210-7 et 1210-8 du code de proc6dure civile : audition du parent ravisseur, recours 6 un m6diateur...) jusqu'au recours 6 la force publique (article 1210-9).</p> <p>L'autorit6 centrale fran6aise se tient 6 la disposition du procureur de la R6publique pour tenter de d6terminer les modalit6s d'ex6cution de la d6cision de retour avec le parent ayant d6plac6 l'enfant, notamment pour favoriser le r6glement amiable de la situation (au besoin en participant 6 l'audition du parent ravisseur avec le procureur de la R6publique par visioconf6rence) voire pour proposer un accompagnement du parent ravisseur en cas de retour concomitant avec l'enfant (voir aussi la r6ponse 6 la question 44).</p> <p>Dans de tels cas, la coop6ration entre autorit6s centrales est primordiale, et l'assistance du juge de liaison du r6seau de La Haye, des magistrats de liaison ou des ambassades et consulats peut 6tre requise.</p> <p>Lorsque le parent ayant d6plac6 l'enfant refuse de rentrer en France en raison des proc6dures p6nales en cours 6 son encontre, l'autorit6 centrale fran6aise peut interroger le parquet comp6tent sur la possibilit6 d'abandonner les poursuites. Toutefois, seul le procureur de la R6publique peut d6cider des suites 6 donner 6 la proc6dure p6nale.</p>
<b>Georgia</b>	Not applicable
<b>Germany</b>	Domestic violence or other threats to the personal security are often raised by the taking parent in return cases in the context of Art. 13 (1) b) 1980 Convention. However, as this questionnaire - according to the



	<p>introduction - does not deal with the exceptions to return under Art. 13 (1) b) 1980 Convention, it should suffice to note that the Hague return courts apply the provision in a very restrictive manner. Furthermore, a court may not refuse to return a child if it is established that protective measures are in place in the State of habitual residence pursuant to Art. 27 (5) Brussels II ter Regulation.</p> <p>If the return is ordered (as Art. 13 (1) b) 1980 Convention is not applicable), the return order is to be enforced proprio motu by the competent court, see sec. 44 IFLPA.</p>
<b>Honduras</b>	In this kind of cases we process the application as any other application of international restitution. At the moment to elevate the case to the Courthouse, will be the judge who is going to decide if the international restitution processes or not based on in the article 13 of the Convention and the proofs presented for the case.
<b>Iceland</b>	
<b>Israel</b>	The ICA has not experienced such cases in Israel.
<b>Italy</b>	In the cases of domestic violence, as well in others involving art.13 (1-b) of the 1980 Convention, unless the applicant withdraws the request, the file is forwarded to the judicial authority for the decision
<b>Jamaica</b>	
<b>Japan</b>	In cases where the taking parent (TP) refuses to return the child to his or her habitual residence despite a return order, the applicant may apply for an indirect compulsory execution and execution by substitute. If there are concerns about the safety of the child (or TP) for reasons such as violence from the applicant, at the TP's request, information on related support systems is collected in advance through Japanese diplomatic or consular missions in the requesting State.
<b>Latvia</b>	In 90% of cases personal security has been applied by the taking parent, however, each case and situation is being scrutinously assessed. If the same is confirmed, protective measures and social assistance is being examined. If no protective measures are available, the Court may deny return in accordance with the Article 13b. If no personal security reasons are confirmed, the case might end up with coercive enforcement.
<b>Lithuania</b>	Very often taking parents make allegations of domestic violence, harassment and etc. The Lithuanian Court considering the child abduction cases usually carefully investigates such allegations, but requests to prove these allegations by evidences (police checks, transcripts of correspondence, witness statements etc.). We have non-return decisions, made because of proved left behind parents violence against taking parents and other inappropriate behaviour in presence of child.
<b>Montenegro</b>	There were no such cases
<b>New Zealand</b>	
<b>Panama</b>	NO
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	In many return cases, domestic violence is alleged by one of the parties. The Court is responsible to hear the allegations and decide.
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	In most cases primary carers who are abductors have returned with the child.
<b>Spain</b>	It is relevant to consider that safe return is related to the way in which exceptions to return are dealt with and with the aim of avoiding delays in the process. The safe return of the child to the country of habitual

	<p>residence is understood as that which takes place in conditions that protect the child from the possible risk of harm to his or her person, and/or to the person accompanying and caring for him or her. In Spain there is no rule for a judge hearing a return case to consider the way protective measures can be taken in an alleged serious risk of harm, but it seems clear that the serious risk exception should not apply if measures have been taken to ensure safe return. In Spain and for intra-EU cases these situations are resolved by the application of Art. 27.3 of the Brussels IIb Regulation on the basis of which, when a court considers the possibility of refusing the return of the child only on the basis of Art. 13.1.b) HC, it will not refuse the return of the child if ..... has been arranged to ensure the protection of the child. Furthermore, Article 27(5) of the same Regulation provides that where return is ordered, the court may, where appropriate, order provisional, including protective, measures in accordance with Article 15 of the Regulation to protect the child from the risk referred to in Article 13(1)(b) of the HC 1980, provided that the consideration and adoption of such measures does not unduly delay the return proceedings. For cases where HC 1996 applies, Articles 11 and 23 may be a useful tool for safe returns.</p>
<b>Switzerland</b>	<p>Oui. Il arrive souvent que le parent ayant enlevé l'enfant s'oppose en alléguant des risques pour sa personne, cela ne signifie pas encore que le retour ne sera pas ordonné.</p> <p>Il arrive en revanche que des considérations de sécurité personnelle du parent ayant enlevé l'enfant conduisent à l'échec de l'exécution du retour, surtout dans les cas dans lesquels les autorités (centrale et compétentes) de l'État requis n'arrivent pas à fournir des garanties suffisantes au tribunal ou à l'autorité qui doit organiser l'exécution du retour.</p>
<b>Türkiye</b>	
<b>Ukraine</b>	<p>There were some cases. In such cases it was mentioned by the abductor parent in her (mostly its woman) written explanation these reasons as refusal on return. Usually the court mentioned such family circumstances but it was not the reason on rejection to satisfy the return of the child to the state of habitual residence of the child.</p>
<b>United Kingdom (England and Wales)</b>	<p>Practitioners obtain as much information as possible to enable a decision on whether the fears are genuine or not. Expert evidence and undertakings to be effective in the habitual residence of the child can be used for secure and safe return. Information on the enforceability of undertakings is sought. There have been cases where a domestic violence or abuse victim has been able to defend a return successfully.</p>
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	<p>Judiciary Not in recent years, but we have mechanisms for State authorities to collect the child if necessary.</p>
<b>United States of America</b>	<p>The USCA is not generally directly involved in the parent's return to the requesting state. The parent may raise these issues with the court during the Convention proceeding. The court has broad discretion to issue orders containing provisions to protect the welfare of the parties and the child(ren). For example, the judge can make detailed orders about who is to travel with the child, where the child shall be picked up, who shall be present at the handover of the child, etc. In the United States, judges have discretion to engage in direct judicial communications to facilitate this process.</p>
<b>Uruguay</b>	
<b>Venezuela</b>	

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:

<b>Argentina</b>	<p>In the event that a court abroad orders measures, they can be mirrored.</p> <p>Consular Assistance can be offered.</p>
<b>Australia</b>	<p>Australia has in the past put in place protective measures in cases where there appear to be obstacles to the return of the primary carer to the requesting State. Examples of protective measures utilised are conditions and mirror orders. For example, in some recent cases conditions have been aimed at ensuring that the primary carer is not faced with criminal proceedings upon returning to the requesting State. Other conditions have included requiring the requesting parent is to meet some financial obligations in relation to the child/children. In some cases the applicant parent is not informed of the details of the return arrangements. As described above, enforceable strategies are used, and undertakings are not. Protective measures are often made following judicial enquiries between International Hague Network Judges to confirm their enforceability.</p> <p>The most common method of enforcing a condition for safe return is to make compliance a condition precedent to return. For example (and only if adjudged to be necessary for the safe return to occur) if funds are not available for airfares, accomodation, immediate financial support or mirror/protective orders are not obtained, then the return does not take place.</p>
<b>Belgium</b>	<p>Oui.</p> <p>Au niveau intra-européen, des mesures peuvent être prises sur base de l'article 15 du Règlement 2019/1111. Ces mesures seront directement reconnues et exécutoires dans tous les Etats membres.</p> <p>Pour les Etats parties à la CLH de 1996 de telles mesures peuvent être prises sur base de l'article 11. Celles-ci ne seront toutefois pas directement exécutoires.</p> <p>Il est toutefois préférable pour la juridiction de se renseigner au préalable sur les mesures existantes dans l'état requérant afin d'être assurée que sa mesure pourra être mise en œuvre.</p>
<b>Brazil</b>	<p>This BCA believes that the more information the Brazilian Courts may receive on the protection measures that are available and that can be put in place in favor of the child or the TP once the return order is enforced, the better they will be able to rely on the Convention and its mechanism of prompt return.</p> <p>It is very common to have, in the Brazilian return decision, safeguards in favor of the TP. In some instances, those safeguards are conditions to the enforcement of the return order - and there is at least one case on our records in which the number and complexity of the conditions imposed by the Brazilian judge for the return was so high that it became impossible to enforce the return decision.</p> <p>The main challenge with these safeguards (imposed by the Judicial</p>

	authority of the Requested State) seems to be the lack of direct enforcement they have at the Requesting State.
<b>Bulgaria</b>	Yes
<b>Canada</b>	As a requested state, the Canadian Courts would not be in a position to impose measures in the other country. However, they may use undertakings, such as: the left behind parent must allow the taking parent and child to have sole occupancy of the house, the left behind parent is only entitled to certain specified access on certain conditions until access has been decided by the requesting state's court.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	We will relay the concern of the primary carer to the Central Authority of the requesting State with a view to finding a solution to ensure the primary carer can return safely with the child. For example, we may explore with the Central Authority of the requesting State if separate accommodation for the abducting parent and the child can be provided upon their return and what other safety measures can be in place before the return. We may also suggest the left-behind parent to withdraw any criminal charge/complaint that he/she has filed against the taking parent in the requesting State. The court may order the left-behind parent to sit separately from the taking parent and the child on the return flight.
<b>China (Macao SAR)</b>	It is not considered currently because there were no such cases.
<b>Colombia</b>	In some cases our administrative authorities start a administrative process of rights reestablishment and also the authorities ask before the migration authority an impediment to leave the country with the objective to avoid any new abduction from our country
<b>Costa Rica</b>	It could, but first the case must be analyzed and coordinated with the other Central Authority to study whether the request can be carried out
<b>Cyprus</b>	Such cases are referred to the Social Welfare Services for protection of both the parent and the child and are also reported to the Police Authorities.
<b>Czech Republic</b>	It is taken into account when assessing the application of Article 13 letter b) of the Convention, if necessary, undertakings are imposed.
<b>Denmark</b>	This depends on the measure and the specifics of the case.
<b>Dominican Republic</b>	In the conciliation stage to achieve the voluntary return of the minor, the Dominican Central Authority makes a communication with the parent who retains the minor in our country. This communication is a proposal that the abducting parent can make. to consider taking some necessary steps. measures to guarantee their friendly return, these measures may be implemented if they fall within the scope of this Dominican Central Authority.
<b>Ecuador</b>	Yes, if it is proven that those measures are critical to secure the safe return.
<b>El Salvador</b>	Si a través de las instituciones competentes.
<b>Estonia</b>	The carer could apply for example for a restraining order from the court if that is needed.  Also, the carer with the child could go to specific support centers and apply for temporary housing in safehouses or shelters. The social services of the local governments can also help with housing, welfare, living arrangements etc.
<b>Finland</b>	We do not have any information on this.
<b>France</b>	La mise en place de mesures de protection en cas de retour relèvent de la compétence des autorités de l'État requérant. Si le retour a lieu en France, un parent peut notamment solliciter le prononcé d'une interdiction de sortie du territoire sans l'accord des deux parents,

	<p>l'organisation des contacts avec chacun des parents à titre provisoire (maintien d'une résidence alternée ou octroi de droits de visite...), l'assistance par un avocat pour faciliter la saisine au fond dans l'État requérant, la mise en place un accompagnement socio-éducatif pour faciliter la reprise des liens entre l'enfant et le parent requérant.</p> <p>Il pourra être rappelé au parent ayant déplacé l'enfant qu'il a la possibilité de solliciter une ordonnance de protection devant les juridictions françaises si celles-ci sont compétentes (article 515-11 du code civil dont les dispositions ont été complétées et renforcées par les lois n° 2019-1480 du 28 décembre 2019 et n° 2020-936 du 30 juillet 2020). Une telle ordonnance peut être délivrée s'il existe des raisons sérieuses de considérer comme vraisemblables la commission des faits de violence allégués et le danger auquel la victime ou un ou plusieurs enfants sont exposés. Elle permet notamment au juge aux affaires familiales d'ordonner, pour une durée maximale de six mois, des mesures de protection de la victime des violences conjugales (interdictions de contact, de détenir une arme ou de paraître dans certains lieux) ainsi que du couple ou de l'ancien couple (résidence séparée, jouissance du logement, modalités d'exercice de l'autorité parentale).</p> <p>En application de l'article 4 du règlement (UE) 606/2013 du 12 juin 2013, une mesure de protection ordonnée dans un État membre est reconnue dans les autres États membres sans qu'il soit nécessaire de recourir à une procédure spéciale et jouit de la force exécutoire sans qu'une déclaration constatant la force exécutoire ne soit nécessaire.</p>
<b>Georgia</b>	<p>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.</p>
<b>Germany</b>	<p>Pursuant to Art. 27 (5) Brussels II ter Regulation, courts will have to consider whether protective measures are in place upon return before refusing the return based upon Art. 13 (1) b) 1980 Convention. For example the higher regional court Naumburg did not apply Art. 13 (1) b) 1980 Convention as it had been established that oversight by the Dutch guardianship authority was in place and the child could therefore be safely returned to the Netherlands (OLG Naumburg, 25 Oct 2006 - 8 WF 153/06).</p> <p>However, these kinds of protective measures will have to be established by the competent authorities in the respective country of habitual residence to which the children are to be returned.</p>
<b>Honduras</b>	<p>Yes, but this would be in concordance and articulated with the Central Authority of the requesting state in effect that the protection mesures given in the sentence which order the child restitution could remain in the requesting state until this considers that the vulneration situation for which the protection measures. An example would be in the cases where the taking parent argues have been violated psicoligical o phisically, filing complaints before the Honduras Authority without acredits a kind of complaints from the origin state where they were with the child, attending to this example and if the restitution of the child procedess and is ordered taking into account the complaints from the taking parent, would be necessary the application of protection measures and those would be applicable during the restitution process and them keep in the habitual residence state while the authorities can investigate the complaints made by the taking parent.</p>

<b>Iceland</b>	
<b>Israel</b>	In cases where it is required, the courts act to ensure the return of the child to the country from which he was abducted. As a condition for return, the courts obligate the left-behind parent to provide financial means that will allow the return of the child (flight tickets, and sometimes a ticket for the parent should s/he not be able to afford a ticket). It also obligates the LBP to provide a place for the child to live and financial support until the courts of the habitual residence can rule on such matters. The will also give orders in other matters such as visitation times with the minor, etc. For example, in Family Case 3450/07, the Family Court of Be'er Sheva ordered the abducting mother to return the child to the father, for his return to Belgium. The court ruled that should the mother notify that she agrees to accompany the child on return, the following conditions apply: the father will agree that until the court in Belgium rules on custody and visitation, the mother shall have temporary custody and the father shall meet with the child every day for a period of not less than two hours, and will undertake not to initiate criminal proceedings against the mother for what she did concerning the child up to that period. The mother's appeals to the District and Supreme Courts were dismissed, and the Supreme Court confirmed the conditions for return. Courts have always conducted themselves in this way. For example, in Request for Leave to Appeal 7994/98, in order to protect the mother who abducted the child to Israel and was the primary caregiver of the child, the Supreme Court ordered as a condition for the return of the child to the United States that until the issuing of a judgment or other decision by the authorized court in the United States, the left-behind father will pay monthly maintenance payments for the child in the amount of \$1250. As an additional condition, the maintenance for the first two months was ordered to be deposited in advance in Israel with the mother's attorney prior to her leaving Israel and would be delivered to her upon her arrival to the US. It was also ruled that should the father have filed a criminal complaint against the mother, he will inform the competent authorities in the US of its cancellation and will undertake not to initiate criminal proceedings against the mother for that case.
<b>Italy</b>	Yes. They apply provisional protective measures when aware of the availability of similar instruments in the requesting State
<b>Jamaica</b>	
<b>Japan</b>	The court considers the safety of TP when it examines the existence of the grave risk exception in accordance with the Implementation Act. In addition, in order to secure the safe return of the child and TP, JCA may request the Central Authority of the State of habitual residence to take appropriate protective measures. JCA may also inform Japanese diplomatic or consular missions in the State of habitual residence about the child's return and gather information about support organizations for victims of DV upon request of the TP. Also, JCA requests the Central Authority of requesting State to check whether the TP is likely to face criminal charges.
<b>Latvia</b>	
<b>Lithuania</b>	No.
<b>Montenegro</b>	There were no such cases
<b>New Zealand</b>	
<b>Panama</b>	Yes
<b>Peru</b>	
<b>Poland</b>	It depends upon the particular case and is always at the discretion of the judge hearing the case.



<b>Portugal</b>	The PCA has no records about this
<b>Singapore</b>	Yes, the State can put measures to refer the parent to the relevant protection specialist centres and crisis shelters, if required.
<b>Slovakia</b>	
<b>South Africa</b>	Yes, there could be monitoring of the child by social services. Mental health assistance. Reports on the status of the child.
<b>Spain</b>	There is no reason not considering this possibility according Brussels IIb Regulation and HC 1996. The domestic spanish law does not contain any prohibition to that possibility. It is understood that mirror orders, safe harbour orders and undertakings as common law tools are difficult to admit in continental countries.
<b>Switzerland</b>	Oui, mais il faudrait évaluer au cas par cas. Les procédures ordinaires s'appliqueront.
<b>Türkiye</b>	
<b>Ukraine</b>	No. Another court proceedings should be initiated in this regard.
<b>United Kingdom (England and Wales)</b>	Practitioners can seek undertakings or a mirror order. Matters covered can be protective measures, residence, funds.
<b>United Kingdom (Northern Ireland)</b>	The application would need to be presented to the court
<b>United Kingdom (Scotland)</b>	The court is concerned with the protections available in the requesting state.
<b>United States of America</b>	Judges in the United States can make detailed return orders. Where supported by law and fact, an order might include measures aimed at protecting the safety of the parent and the child. The USCA can coordinate with the central authority of the receiving state for certain arrangements related to safe return of the family.
<b>Uruguay</b>	Yes we would.
<b>Venezuela</b>	

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

Argentina, Australia, Brazil, Canada, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Honduras, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, New Zealand, Panama, Poland, Portugal, Singapore, South Africa, Spain, Switzerland, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), Uruguay

Yes

Belgium, Chile, United States of America

Please explain and distinguish between such measures being recognised and enforced under the 1996 Convention:

<b>Argentina</b>	
<b>Australia</b>	
<b>Belgium</b>	<ul style="list-style-type: none"> <li>- La mesure ordonnée dans l'Etat requis n'existe pas en Belgique.</li> <li>- Manque de place disponible au sein de centre d'accueil pour personnes victimes de violence intrafamiliale.</li> </ul>

	- Impossibilité pour une juridiction étrangère de mandater un service belge d'aide à la jeunesse.
<b>Brazil</b>	Unfortunately, the BCA does not usually receive any information about the cases after the return of the child, but we would fully support such a recommendation for follow-up information to be provided after the return of a child.
<b>Bulgaria</b>	I
<b>Canada</b>	We are not aware of such issues.
<b>Chile</b>	Chile is not a party to the 1996 Convention, and Family Courts have determined that they only have jurisdiction where a child is already in Chile. This means that it is not possible to enforce protective measures before the return of the child.
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	We do not have any information on this.
<b>France</b>	<p>L'autorité centrale française considère que la Convention de La Haye ne permet pas au juge de l'Etat refuge de prévoir des mesures de protection dans l'Etat de la résidence habituelle, et d'y subordonner le retour de l'enfant.</p> <p>La question fait référence à l'exécution d'une mesure de protection en vertu de la Convention de 1996. Cette question relève de l'article 26 de cette Convention qui prévoit que la reconnaissance d'une mesure de protection ordonnée dans une décision de retour, n'implique pas sa mise en œuvre dans l'Etat requérant sans avoir fait l'objet d'une procédure d'exequatur. Par ailleurs, de nombreux pays parties à la Convention de 1980 ne sont pas parties à la Convention de 1996, ce qui rend même la reconnaissance de telles mesures incertaine dans l'Etat de résidence habituelle.</p>
<b>Georgia</b>	
<b>Germany</b>	
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	
<b>Montenegro</b>	There were no such cases
<b>New Zealand</b>	

Panama	
Peru	Peru did not ratify the 1996 Convention
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	The protective measures should be in a court order. The order should not be vague.
Spain	
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United States of America	The Central Authority of the 1980 Convention does not track data on whether protective measures are enforced upon return to a foreign country.
Uruguay	
Venezuela	

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

Australia, Brazil, Canada, China (Hong Kong SAR), China (Macao SAR), Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, Georgia, Germany, Honduras, Israel, Italy, Jamaica, Japan, Lithuania, New Zealand, Panama, Peru, Poland, Portugal, Singapore, South Africa, Switzerland, Ukraine, United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), Uruguay

Yes

Argentina, Chile, France, Latvia

Please specify:

Argentina	It is difficult to verify whether they are adopted or not. There is no judicial follow-up of the process.
Australia	As described above, Australian courts avoid using undertakings.
Belgium	Si la décision n'est pas directement exécutoire, dans l'hypothèse où la personne ne respecterait pas volontairement son engagement, elle ne peut pas faire l'objet d'une exécution forcée avant d'avoir été déclarée exécutoire par le tribunal belge. Dès lors, si une personne s'était engagé à quitter son domicile ou à verser une somme d'argent et qu'elle ne le fait pas, il sera impossible de l'y contraindre sans qu'une décision belge soit préalablement rendue.

	Si la décision est directement exécutoire, elle ne pourra faire l'objet d'une exécution forcée" que si les obligations sont clairement établies dans le dispositif et le certificat joint à la décision. Il est important que les obligations soient précises et possible à exécuter. "
Brazil	
Bulgaria	We usually communicate this with the parties or other CA
Canada	We are not aware of such issues.
Chile	See question 45
China (Hong Kong SAR)	
China (Macao SAR)	
Colombia	
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	
Estonia	
Finland	
France	L'autorité centrale française considère que la Convention de 1980 ne permet pas au juge de l'Etat refuge d'acter des engagements donnés par l'une des parties. Le juge de l'Etat refuge doit se prononcer sur le caractère illicite du déplacement et l'existence d'éventuels motifs de non-retour. Le retour de l'enfant peut s'accompagner d'un signalement aux services de protection de l'Etat de résidence habituelle. Des engagements pris par l'une des parties dans le cadre du retour devant le juge de l'Etat refuge n'ont pas vocation à être reconnus ou exécutés dans l'Etat de résidence habituelle, sauf exécution volontaire par le parent qui s'est engagé. Il convient de faire en sorte que le juge de l'Etat de la résidence habituelle, compétent au fond, se prononce rapidement après le retour pour organiser la vie de l'enfant et prendre le cas échéant toute mesure de protection appropriée.
Georgia	
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	Party responsible for the enforcement of such undertakings was not fully aware of further procedure.
Lithuania	
Montenegro	There were no such cases
New Zealand	
Panama	
Peru	
Poland	n/a

Portugal	
Singapore	
Slovakia	
South Africa	The protective measures should be in a court order. The order should not be vague.
Spain	It is understood that mirror orders, safe harbour orders and undertakings as common law tools are difficult to admit in continental countries.
Switzerland	
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United States of America	The Central Authority for the 1980 Convention does not track data on whether undertakings are enforced upon return to a foreign country.  See also our response to question 45.
Uruguay	
Venezuela	

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

Bulgaria, Colombia, Denmark, Dominican Republic, Ecuador, France, Germany, Latvia Lithuania, Portugal, Switzerland, United Kingdom (Scotland)

Yes

Australia, Belgium, Honduras, Poland, Ukraine, United Kingdom (England and Wales)

Please specify:

Argentina	
Australia	Undertakings made in the context of a Hague return proceeding have been registered in Australia, but it is extremely unusual. Undertakings are rarely utilised in Australian Hague proceedings because they are unenforceable or not recognised by the state to which child is returned conditions and conditions precedent are used whenever possible.
Belgium	La décision sera reconnue mais devra être déclarée exécutoire avant de pouvoir faire l'objet d'une exécution forcée si la personne concernée refuse de se soumettre à la décision rendue (cfr 46).
Brazil	
Bulgaria	
Canada	
Chile	
China (Hong Kong SAR)	
China (Macao SAR)	
Colombia	
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	
El Salvador	
Estonia	
Finland	
France	L'Autorité centrale française n'a pas connaissance du recours à l'article 23 de la Convention de 1996 dans ce cadre. L'article 23(1) de la Convention de 1996 renvoie aux mesures de protection de l'article 1(1)a et prévoit leur reconnaissance. Cependant, l'exécution d'une telle mesure de protection ne peut avoir lieu sans une procédure d'exéquatur. L'engagement pris par une partie lors du retour de l'enfant n'apparaît pas pouvoir être considéré comme une mesure de protection au sens des articles précités de la Convention de 1996. Au surplus, l'article 7(3) de la convention de 1996 précise bien la compétence de l'Etat de la résidence habituelle de l'enfant pour prendre les mesures de protection.
Georgia	
Germany	



Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	
Montenegro	
New Zealand	
Panama	
Peru	
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	N/A we are not signatories to the 1996 Convention
Spain	It is a legal possibility to take into account.
Switzerland	Dans la mesure où il s'agit d'une mesure au sens de la Convention, l'art. 23 pourra trouver application. Autrement, cela ne sera pas possible. Il faut préciser que la Suisse ne connaît pas l'institution de l'undertaking.
Türkiye	
Ukraine	Article 23 could be used for the recognition and enforcement of the order on protection measures.
United Kingdom (England and Wales)	Practitioners - yes.  Judiciary Article 11 of the 1996 Hague is frequently referred to by judges, in particular when making a return order under the 1980 Hague Convention, as being relevant to the issue of protective measures including undertakings on the basis that they are enforceable under Article 23 of the 1996 Hague. These provisions are relied on and are viewed as a very useful adjunct when making a return order.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United States of America	
Uruguay	
Venezuela	

N/A

Argentina, Australia, Brazil, Canada, China (Hong Kong SAR), China (Macao SAR), Costa Rica, Cyprus, Czech Republic, El Salvador, Estonia, Finland, Georgia, Israel, Italy, Jamaica, Japan, New Zealand, Panama, South Africa, Spain, Uruguay

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

Argentina, Australia, Brazil, Bulgaria, Canada, Chile, China (Macao SAR), Cyprus, Denmark, Ecuador, El Salvador, France, Germany, Honduras, Israel, Japan, Latvia, Lithuania, Montenegro, New Zealand, Peru, Poland, Portugal, South Africa, Ukraine, United Kingdom (England and Wales), United Kingdom (Scotland), United States of America, Uruguay

Yes

Belgium, China (Hong Kong SAR), Colombia, Costa Rica, Czech Republic, Dominican Republic, Estonia, Finland, Georgia, Italy, Jamaica, Panama, Singapore, Spain, Switzerland, United Kingdom (Northern Ireland)

Please specify:

<b>Argentina</b>	From the Central Authority of Argentina capacities we do not monitor the measures to be adopted after the return, although, depending on the case, we can follow up through the different competent agencies, such as the National Secretariat of Childhood.
<b>Australia</b>	The ACA is considering utilising the 1996 Convention to follow up on these issues post return.
<b>Belgium</b>	Des informations peuvent être sollicitées (sur demande d'un parent ou d'une autorité public) auprès de l'Autorité centrale requérante.
<b>Brazil</b>	We consider it important that, after the child's return order has been served, it should be possible to monitor the child's situation in the State of habitual residence in a similar way to what occurs in cases of intercountry adoption. Such measure may occur through child protection institutions, duly accredited with the Central Authority of the Requesting State..
<b>Bulgaria</b>	
<b>Canada</b>	See above response to question no 23.  Some Canadian CAs follow-up with Canadian law enforcement, the requesting CA or the parties, but only to verify that the child has returned.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Close contacts are maintained with the requesting Central Authority to monitor the effectiveness and implementation of those interim protective measures embodied in the return order upon the child's return.
<b>China (Macao SAR)</b>	The Central Authority of the Macao SAR will provide appropriate assistance or arrangement on a case-by-case basis when necessary.
<b>Colombia</b>	The Colombian State makes and takes measures to follow up until the return of the child
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	Usually via the Central Authority
<b>Denmark</b>	
<b>Dominican Republic</b>	The Dominican Central Authority provides continuous monitoring of the case to verify with the Central Authority of the other country, that the minor has had a safe and successful return in accordance with the provisions that ordered the measure.
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	Not CA, but social services

<b>Finland</b>	The wellbeing and safety of a child is considered in the return procedure. In addition to the enforcement officials the Social Welfare officials could be present.
<b>France</b>	<p>Une fois l'enfant rentré dans l'État requérant, l'autorité centrale française procède à la clôture de son dossier. Les mesures de protection qui auront pu être mises en place sur le territoire français en vue d'un retour sécurisé de l'enfant prennent fin.</p> <p>L'autorité centrale française considère qu'il n'existe pas de base légale dans la Convention de 1980 pour permettre au juge de l'Etat refuge d'ordonner une mesure de protection accessoire à la décision de retour, qui aurait vocation à s'appliquer dans l'Etat de la résidence habituelle. Une mesure de protection peut iniquement être mise en place dans l'Etat refuge pour faciliter le retour. L'autorité centrale française n'est pas favorable à ce qu'un suivi des mesures de protection mises en place donne lieu à la poursuite de la coopération étant donné que la convention vise uniquement le retour de l'enfant (voir aussi la réponse à la question 42).</p> <p>S'il existe des inquiétudes concernant le bien-être de l'enfant après le retour, la situation peut être portée à la connaissance des autorités compétentes de l'Etat de résidence habituelle sur le fondement du règlement (UE) 2019/1111 du Conseil du 25 juin 2019 et de la convention de La Haye de 1996.</p>
<b>Georgia</b>	In case of necessity, the Georgian Central Authority contacts the Central Authority of the requesting state in order to get the follow-up information on the situation of the child.
<b>Germany</b>	
<b>Honduras</b>	At this moment Honduras state has not ordered protection measures in the processed cases
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	In such cases the central authority of the requesting State is requested to monitor the measure's implementation
<b>Jamaica</b>	
<b>Japan</b>	In principle, Japan considers that the purpose of the Convention as stipulated under Article 1 is fulfilled when the child returns to the State of his/her habitual residence. However, JCA follows up with the child through the Japanese diplomatic or consular missions in the State of habitual residence, as necessary, for the purpose of securing the safety of Japanese nationals, and if necessary, JCA shares the relevant information with the TP who did not return with the child.
<b>Latvia</b>	
<b>Lithuania</b>	The Courts of Lithuania have never applied the measures.
<b>Montenegro</b>	
<b>New Zealand</b>	<p>It is not within the role of the Central Authorities under article 7 of the 1980 Convention to monitor the effectiveness of measures following the return of a child to their jurisdiction.</p> <p>We acknowledge in some cases it may be of interest to know the long term situation for the the child/ren concerned.</p> <p>But the child/ren have been returned to the State of habitual residence which has been found to be the most appropriate State to consider</p>

	matters concerning the welfare and best interests of the child/ren concerned.
Panama	
Peru	
Poland	n/a
Portugal	
Singapore	The Singapore Central Authority will request for the foreign Central Authority to liaise with the Child Protection Services of Singapore to ensure that the child will be protected and not be subjected to any harm upon return.
Slovakia	
South Africa	Unless court ordered to do so or at the request of a central authority
Spain	It is a possibility to be considered.
Switzerland	Il est difficile de généraliser, car toutes les situations sont différentes. Il ne s'agira en principe pas de contrôler l'effectivité des mesures exécutées dans l'État de résidence, mais plutôt de demander confirmation que le retour s'est bien déroulé. "
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	If court direction/requested Social Services would monitor the effectiveness measures put in place to ensure the safety of the child upon return.
United Kingdom (Scotland)	
United States of America	The USCA will help work with foreign central authorities and parents to coordinate the safe return of a child pursuant to the 1980 Convention. Once the child is returned to the foreign country, local laws and policies govern issues concerning the child's welfare. The USCA only receives post-return information from a parent on a voluntary basis.
Uruguay	
Venezuela	

### International family relocation<sup>17</sup>

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

Yes

Canada, Costa Rica, Dominican Republic, Finland, Honduras, Lithuania, New Zealand, Panama, Portugal, Spain, United Kingdom (Scotland)

Please describe such procedures, if possible:

Argentina	
Australia	

<sup>17</sup> 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."

<b>Belgium</b>	
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	<p>At the federal level, rules governing the relocation of children (whether international or not) are provided in the Divorce Act (Please see the response to question 1 regarding Divorce Act provisions concerning relocation).</p> <p>Many provinces and territories also have rules governing relocation, e.g.:</p> <ul style="list-style-type: none"> <li>- British Columbia: the process to relocate a child is set out in the British Columbia Family Law Act (Part 4 Division 6) (<a href="https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025_04#division_d2e5455">https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025_04#division_d2e5455</a>)</li> <li>- Saskatchewan: the process to relocate a child is set out in the Children's Law Act 2020, SS 2020, c 2 (s. 13-17) (<a href="https://canlii.ca/t/b5ln">https://canlii.ca/t/b5ln</a>)</li> </ul>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	But not because of the HagueConvention.
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	We have cases very often where the national Courts request evaluations of Social Work or Home Studies, to verify the conditions that the minor will have after the family transfer. In these cases we use the provisions contained in the 1996 Hague Convention, or requests for collaboration from the Central Authorities to make the requested reports.
<b>Ecuador</b>	
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	The immigration authorities are responsible of such procedures.
<b>France</b>	
<b>Georgia</b>	
<b>Germany</b>	
<b>Honduras</b>	It is made throught the Chancellery, Human Rights Ministry and National Migration Institute. The families which would like to request this protection measure should request to the Chancellery and Human Rights Ministry to give the process to the mentioned resquest.
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	The Article 3.174. p. 3 of Civil Code of the Republic of Lithuania establishes that a right to bring a minor child, whose permanent place of residence is in the Republic of Lithuania, to a foreign country for a permanent residence, is given to this parent with whom the child's permanent place of residence was established, only after receiving a written consent from the other parent. In case this other parent refuses to give such a consent, then this dispute is

	resolved by the court. It means, that the parent who wish to move with child for permanent living to other country, has to get the consent of other parent. in case such consent was not given, the parent willing to move to other country, has to request the Court to give the permission to take the child to other country without the consent of other parent.
<b>Montenegro</b>	
<b>New Zealand</b>	If a child has been abducted to New Zealand then the non-NZ parent can make an application to the court for a return of the child to the country specified in the order. If an order for return of the child is made then the court is able to impose appropriate conditions covering the manner in which the child is to be returned, including an order that the costs of returning the child be paid by the person who removed the child to New Zealand. The order for return of the child can be enforced by the issuing of a warrant for the child's return. The specific conditions relating to the manner of return of the particular child are imposed by the court.
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	
<b>Spain</b>	In Spain, Organic Law 8/2021, of 4 June. Ref. BOE-A-2021-9347, has modified the Civil Code clarifying the cases of relocation. The preamble of the Organic Law 8/2021 states that: except in the case of suspension, deprivation of parental authority or exclusive attribution of such authority to one of the parents, the consent of both parents or, failing that, judicial authorization is required for the relocation of the minor, regardless of the measure that has been adopted in relation to his/her guardianship or custody, as has already been explicitly established by some Autonomous Communities". Furthermore, the new Art. 154 of the Civil Code states that parental authority includes... "3º Deciding the habitual place of residence of the minor, which may only be modified with the consent of both parents or, failing that, by judicial authorization". These new legal amendments consolidate previous consistent judicial practice and in terms of case law, we can cite the STS, First Civil Chamber, 748/2014, 11 December, can be cited as relevant."
<b>Switzerland</b>	
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	Judiciary These proceed in the Family Court and are dealt with by a specialist family judge.
<b>United States of America</b>	
<b>Uruguay</b>	
<b>Venezuela</b>	



Argentina, Australia, Belgium, Brazil, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Colombia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, France, Georgia, Germany, Iceland, Israel, Italy, Jamaica, Japan, Latvia, Montenegro, Peru, Poland, Singapore, Slovakia, South Africa, Switzerland, Türkiye, Ukraine, United Kingdom (England and Wales), Uruguay

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

<b>Argentina</b>	The Argentine Central Authority does not have a specific procedure to follow.
<b>Australia</b>	As with other parenting arrangements, where international relocation is in issue, Australia encourages the parties to agree on the best outcome for their children. Where a relocation matter progresses to the Australian courts, the court will examine a range of issues in deciding which parenting orders are appropriate. In deciding these matters, the paramount consideration is always what is in the best interests of the child.
<b>Belgium</b>	Il n'y a pas de procédure spécifique. A défaut d'accord entre les parties, le demandeur saisit le tribunal de la famille de sa demande.
<b>Brazil</b>	
<b>Bulgaria</b>	Family is free to travel and move. we could consult them if we are asked only. If both parents relocated it is lawful relocation.
<b>Canada</b>	
<b>Chile</b>	Chile's regulation of travel authorizations is extremely outdated and does not specifically consider relocation authorizations. When such a request comes up, the court treats it like any other travel authorization: the elements that the law indicates are to be considered are the length of stay out of the country, and the benefit for the child.
<b>China (Hong Kong SAR)</b>	When the parents are divorced, the court may prohibit the removal of the child without the consent of both parents until the child reaches 18 years old. If one of the parents wishes to seek the relocation of the child, no matter for temporary or permanent purpose, he will have to obtain the consent of the other parent, or an order from the court.
<b>China (Macao SAR)</b>	
<b>Colombia</b>	
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	Each case is assessed individually.
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	It is done through institutions that handle similar issues.
<b>El Salvador</b>	
<b>Estonia</b>	Not known to CA
<b>Finland</b>	
<b>France</b>	
<b>Georgia</b>	
<b>Germany</b>	Under German law a parent may only relocate with the child if this parent has either sole custody or the sole right to determine the child's place of habitual residence. Hence, if the parents have joint custody, the parent intending to relocate requires the consent of the other parent. Elsewise, this parent would require the right to determine the child's place of residence to be transferred to her/him by means of a court decision. As regards the courts decision to transfer the right to determine the child's

	place of residence due to a planned relocation, it has become broadly recognized in recent case law that the motive of the parent intending to relocate may not be taken into consideration by the court but instead the effect of relocation on the child's well being is the only decisive factor (see Federal Court of Justice, 28 Apr 2010 - XII ZB 81/09, Federal Court of Justice, 16 Mar 2011 - XII ZB 407/10, OLG Frankfurt, 18 Jun 2013 - 7 UF 67/12).
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	<p>There is no special procedure for handling relocation cases. In general, the decision in such cases is made according to the same criteria and procedure in which the court rules on disputes between parent moving between cities within the country. The decision will always be made according to the same criteria of the best interests of the child, however in light of the more significant consequences of relocation over a move between cities (within the country), the examination of the child's best interests will be done in a deeper and broader manner. While in the case of a change of residence within the country the court will usually be satisfied with the report of a social worker for civil procedure, in examining the best interests of the child in relocating outside the country the court will usually require an opinion of an expert, who will examine the consequences of the relocation and the significance of his separation from the parent requesting to immigrate should the court determine that it is in the best interests of the child to remain in Israel. In addition, to differentiate from a move within a country, in determining a claim for relocation the court will not permit the relocation of the child with one of the parents, without determining arrangements for contact and visitation between the child and the parent who remains in Israel and establishing mechanisms intended to guarantee their fulfillment (usually through financial collateral).</p> <p>For example, in Request for Family Appeal 1273/21, the Supreme Court authorized the relocation of a child with her mother to England, after the lower courts (the Family Court and the District Court) found that it was consistent with the child's best interests. In the framework of the proceedings, reports were filed by a social worker for civil procedure, and an expert clinical psychologist who was appointed by the court to examine the child's best interests. The expert report recommended to authorize the relocation of the child, and the social worker agreed with this recommendation. The expert further found that the child identifies more with her mother, and identifies with the mother's difficulties that stem from residing in Israel and that in as much as the best possible transition conditions are planned (that include an appropriate educational framework, emotional treatment and parental guidance for the mother), the child will be able to adapt to life in England. The social worker agreed with the conclusions of the expert and pointed out in her report that the child feels closer to the mother, and that attempts to strengthen the connection between the child and father were unsuccessful, amongst other reasons because not all of the recommendations given to the father to strengthen the connection were put into effect by him, and because the child is about to undergo significant changes with her transition to junior high school, such that the date of the relocation is suitable and doesn't harm the existing routine. The court conditioned the relocation of the child with the mother to England by determining a mechanism to ensure the contact between her and her father in Israel. Thus it was ordered, inter alia, that the child would visit the father for two weeks each year, in two visits, and the parties would equally bear the expense of the visits, the</p>

	<p>child will speak with the father three times per week by video, the mother will keep the father informed of every significant matter in the child's life, including matters of education and health, the mother will deposit 70,000 New Israeli shekels in the court treasury, to guarantee the fulfillment of the contact between the father and the child, so that in the event there is a significant breach, the court can forfeit a sum according to its discretion, which the father can use to act to realize his right to contact with the child in the courts in England. Insofar as the court rules that the mother is breaching the arrangements that were determined with respect to the contact between the father and child, she must return the child to live in Israel.</p> <p>In every dispute involving minors, the courts endeavor to hear the cases relatively quickly, and relocation files are not different in this respect. The relevant urgency will be determined in accordance with the particular circumstances of the case (like, for example, in a case where the parent who requests the relocation plans to move to the new country near the beginning of the child's school year, and postponing the decision is likely to harm the ability of the child, should the relocation be permitted, in entering the educational system in the new country.</p>
<b>Italy</b>	Applying domestic procedural law and using international law tools to have information, if needed, in the State of relocation
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	The South African Law Research Commission is considering guidelines for relocation matters
<b>Spain</b>	
<b>Switzerland</b>	Suivant les circonstances du cas d'espèce, le déménagement est en général traité dans le cadre d'une procédure de protection de l'union conjugale, de divorce ou séparation, ou de protection de l'enfant (v. notamment l'art. 301a du Code civil suisse).
<b>Türkiye</b>	
<b>Ukraine</b>	The specific procedures for international family relocation has not been adopted. According to Article 16 of the Law of Ukraine of "Protection of Childhood" a child whose parents live in different states has the right to regular personal relations and direct contact with both parents. The child and his/her parents have the right to freely enter and leave Ukraine for family reunification in accordance with the procedure established by law. Parents, other family members and relatives, in particular those who live in different states, should not prevent each other from exercising the child's right to contact with them, are obliged to guarantee the child's return to the place of permanent residence after exercising the right to contact, not to allow an illegal change of her place of residence.

	<p>Article 16-1 of the Law prescribed the measures and guarantees of ensuring the execution of the court decision on the implementation of the child's right to contact, determined by the court in each specific case, are:</p> <p>the obligation of the person who is in contact with the child to pay the expenses related to the child's relocation and accommodation, as well as, if necessary, any other person who accompanies the child, to inform the person with whom the child lives about the place the child's stay during the exercise of the right to contact, to appear in person together with the child to the child protection authority with the periodicity determined by the court,</p> <p>prohibition of changing the child's place of residence during the exercise of the right to contact,</p> <p>realization of the right to contact with the child on the territory of a foreign state, subject to the submission of a document confirming the recognition of the decision of the court of Ukraine on contact with the child on the territory of another state to the child protection authority at the place of residence of the child, other measures provided for by law.</p> <p>Ukraine is contracting state to the 1996 Convention and Article 35 of the 1996 Convention is applicable to the cases of family relocations and measures of protection.</p> <p>In case of necessity the court decision concerning contact could be enforced under Article 24 of the Hague Child Protection Convention, the enforcement will be organized in accordance with Article 64-1 of the Law of Ukraine "On Enforcement Proceedings".</p>
United Kingdom (England and Wales)	Applications for leave to remove the child from the UK can be made in specified circumstances under section 13 Children Act 1989. These circumstances are not directly related to international parental child abduction.
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United States of America	International family relocation is beyond the scope of the Convention. Accordingly, the USCA does not collect information or data on international family relocation. Decisions concerning international family relocation are made by state court judges based upon state law.
Uruguay	
Venezuela	

### 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?

No

Belgium, Bulgaria, Chile, China (Hong Kong SAR), China (Macao SAR), Cyprus, Denmark, Dominican Republic, El Salvador, Estonia, Finland, Georgia, Honduras, Iceland, Israel, Jamaica, Latvia, Lithuania, Montenegro, Peru, Poland, Singapore, Slovakia, South Africa, Spain, Türkiye, Ukraine,

United Kingdom (England and Wales), United Kingdom (Northern Ireland), United Kingdom (Scotland), Uruguay

Yes

Argentina, Australia, Brazil, Canada, Colombia, Costa Rica, Czech Republic, Ecuador, France, Germany, Italy, Japan, New Zealand, Panama, Portugal, Switzerland, United States of America

Please specify:

<b>Argentina</b>	<p>In 2018, the Central Authority, together with different agents involved in the topic, worked on the preparation of a bill to regulate international restitution procedures within the framework of international conventions. The project was presented in congress, and although it received half approval from the Upper House in 2019, it failed to follow the approval process.</p> <p>For this reason, the Central Authority team has drafted a new law project which seeks to reflect the spirit and objectives of the conventions on the matter, under a child-centric approach and with a human rights and gender perspective. In the elaboration, the obstacles that arise in the practice of the processing of the cases were meticulously indicated and an attempt was made to provide efficient solutions through the elaboration of specific clauses that provide tools to the intervening agents.</p>
<b>Australia</b>	<p>During the 2022 election period in Australia, the Attorney General committed to seeking advice 'on what changes could be made to ensure the Hague Convention cannot be abused, and whether its implementation could be made safer for women fleeing violence.' There has been criticism from media and parliamentarians that Australian courts do not take domestic violence into account when considering Convention matters.</p> <p>As noted above, the Australian Government amended the law to codify the consideration of allegations of family and domestic violence in matters arising under the 1980 Convention. The amendment to the Family Law (Child Abduction) Convention Regulations 1986 (Regulations) was effected by the Family Law (Child Abduction Convention) Amendment (Family Violence) Regulations 2022 (Amendment Regulations), which were made on 8 December 2022 and entered into force on 10 December 2022.</p> <p>The Amendment Regulations clarify that: court consideration of the 'grave risk defence' in paragraph 16(3)(b) of the Regulations can include consideration of any risk that the child would be subjected or exposed to family violence, regardless of whether the court is satisfied that family violence has occurred, will occur or is likely to occur, the court can include conditions on a return order for the purposes of reducing a risk under paragraph 16(3)(b) of the Regulations (being a grave risk that the return of the child would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation), regardless of whether the court considers that the risk will eventuate, is likely to eventuate or has eventuated in the past, add a non exhaustive list of considerations that the court may have regard to when considering whether to include a condition in a return order or other order made to give effect to the Convention, and require that where the court is considering whether to refuse to make a return order on the basis of the grave risk defence, and a party to the proceedings raises a condition that</p>

	<p>could be included for the purpose of reducing a paragraph 16(3)(b) risk, that the court must consider whether it is appropriate to include the condition.</p> <p>In addition, on 29 March 2023, the Australian Government introduced the Family Law Amendment Bill 2023, which proposes important legislative reforms to Australia's family law system, including proposed changes to improve the safety of the family law system and place the best interest of children at the centre of the system and its operation. As noted above, section 68L of the Family Law Act 1975 provides that the court may make an order that the child's interests in the proceedings ought to be independently represented by a lawyer (an Independent Children's Lawyer). In its current form, subsection 68L(3) restricts the appointment of ICLs to 'exceptional circumstances'. However the Family Law Amendment Bill 2023 removes this restriction, bringing judicial discretion to appoint ICLs in proceedings under the 1980 Convention in line with discretion to appoint ICLs in domestic proceedings.</p>
<b>Belgium</b>	
<b>Brazil</b>	<p>There is a debate in the Brazilian Parliament on the issue of domestic violence against women, with a view to including it in the legislation. In addition, there is a draft law under discussion that aims to regulate administrative and judicial procedures for the application of the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Decree No. 3,413/2000) and the 1989 Inter-American Convention on International Child Abduction (Decree No. 1,212/94). The proposal was presented to the Minister of Justice and Public Security by the President of the Federal Justice Council-CJF and is the result of deliberations by the Study Group on the Civil Aspects of International Child Abduction (GESIC), which was established within the scope of the Federal Justice Council to, among other responsibilities, propose improvements to the regulations concerning international child protection.</p>
<b>Bulgaria</b>	
<b>Canada</b>	<p>An electronic petition, initiated by Canadian left-behind parents, on the issue of international parental child abduction was recently tabled in the House of Commons (<a href="https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-4151">https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-4151</a>). Return Our Children Home, an advocacy group for Canadian left-behind parents, held its first annual conference in Ottawa in April 2022, during which time it held a vigil on Parliament Hill (<a href="https://ottawacitizen.com/news/local-news/left-behind-parents-protesters-ask-government-to-help-bring-their-children-home">https://ottawacitizen.com/news/local-news/left-behind-parents-protesters-ask-government-to-help-bring-their-children-home</a>) to raise awareness of international parental child abductions and the impact they have of Canadian families and left-behind parents. A similar event is anticipated for late April 2023.</p>
<b>Chile</b>	<p>The UN cases have brought some (negative) publicity to the 1980 Hague Convention, but the discussion has not reached our congress, as of yet. It would actually be beneficial if we could discuss a procedural law regarding abduction cases (our current procedure is a Supreme Court order, not an actual law).</p>
<b>China (Hong Kong SAR)</b>	
<b>China (Macao SAR)</b>	
<b>Colombia</b>	<p>As a state we have socializations of the applicability of the convention in the academic field.</p>



<b>Costa Rica</b>	<a href="https://elmundo.cr/costa-rica/tribunal-y-pani-expulsaran-del-pais-a-un-nino-costarricense-contra-su-voluntad/">https://elmundo.cr/costa-rica/tribunal-y-pani-expulsaran-del-pais-a-un-nino-costarricense-contra-su-voluntad/</a>
<b>Cyprus</b>	
<b>Czech Republic</b>	Sometimes the cases are covered in the media by the parents, but most media are no longer interested in parental disputes, also the media have a better understanding of these cases then they had in the past.
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	Currently, there are inter-institutional roundtables to improve the International Restitution process, that includes institutions from the executive branch and the judiciary.
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	
<b>France</b>	Certains cas particuliers ou le traitement structurel des déplacements d'enfants dans certains pays ont pu faire l'objet d'une médiatisation à la télévision, à la radio, ou dans la presse (française comme étrangère). Par ailleurs, de façon plus générale, des parlementaires soulèvent régulièrement la question des conflits familiaux transfrontières qui peuvent faire l'objet de questions écrites ou orales aux membres du gouvernement.
<b>Georgia</b>	
<b>Germany</b>	<p>In very few outgoing cases from Germany the applicants addressed the media which subsequently led to publications in print media or TV.</p> <p>In some of these cases the German Central Authority also received inquiries of members of the Bundestag (German parliament on federal level) or members of a Landtag (German parliaments on regional state level) who have been engaged by the applicants.</p> <p>Nevertheless, any debates focused on individuals cases, and not on the Convention or its intentions in general.</p>
<b>Honduras</b>	
<b>Iceland</b>	Only regarding few individual cases, not regarding the Convention in general.
<b>Israel</b>	
<b>Italy</b>	In this field were launched several projects of law aimed at increasing the penalties and the investigation tools for the crime of child abduction, but no one of them seems to have good chance to be finalized in the short/medium term. In the private law there is no discussion about child abduction.
<b>Jamaica</b>	
<b>Japan</b>	In the National Diet, the members of the Diet has discussed the implementation of the 1980 Convention.
<b>Latvia</b>	
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	at the moment there is a Law 569 is revising all the existing obligations of the Central Authority
<b>Peru</b>	
<b>Poland</b>	n/a



<b>Portugal</b>	The debate about these issues is permanent
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	
<b>Spain</b>	
<b>Switzerland</b>	Le Parlement suisse a demandé au Conseil fédéral (gouvernement) d'évaluer la loi fédérale sur l'enlèvement international d'enfants. L'évaluation est en cours (v. <a href="https://www.bj.admin.ch/bj/fr/home/gesellschaft/kindesentfuehrung/ueberpruefung-bg-kke.html">https://www.bj.admin.ch/bj/fr/home/gesellschaft/kindesentfuehrung/ueberpruefung-bg-kke.html</a> ).
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	No impact on practical operation, Parliamentary discussion on handling of individual constituents' cases.
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	The 1980 Convention, international parental child abduction generally, and individual cases of abduction regularly receive publicity from and discussion by the United States Congress and its members, as well as news organizations, advocacy groups, academic institutions, and non-profit organizations.
<b>Uruguay</b>	
<b>Venezuela</b>	

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

Please explain:

<b>Argentina</b>	In order to strengthen communication between the different actors involved in international legal cooperation mechanisms, National and Federal Judicial Powers of the Provinces of the Argentine Republic are being contacted in order to organize activities leading to the circulation and exchange of the aforementioned procedures and strengthen the federal link. This is important given the territorial extension of our country, the federal distribution of the administration of justice, and that any judicial body, within the framework of its powers, could request the articulation of an international legal cooperation mechanism.
<b>Australia</b>	The Attorney General's Department publishes information on its website about the Convention, the ACA and its role in administering the 1980 Hague Convention ( <a href="http://www.ag.gov.au/childabduction">www.ag.gov.au/childabduction</a> ). Australia's Department of Foreign Affairs and Trade (DFAT) provides information about International Parental Child Abduction on its webpages and other publications ( <a href="http://smartraveller.gov.au">smartraveller.gov.au</a> ) and the Children and Parental Consent brochure which it produces through its Passport Office.
<b>Belgium</b>	1/ Une page internet reprenant toutes les informations utiles a été introduite sur le site du SPF Justice ( <a href="http://www.just.fgov.be">www.just.fgov.be</a> ) dans la rubrique « Thèmes » - « Enfants et jeunes » - « Enlèvement international d'enfant ». Les documents nécessaires à l'introduction d'une nouvelle demande, notamment, sont téléchargeables depuis cette page internet qui reprend, également, l'ensemble des coordonnées de l'Autorité Centrale belge (numéro de téléphone et adresses e-mail).  2/ Utilisation d'une boîte e-mail rapt parental: une boîte mail a été mise en service afin, notamment, de recevoir toutes demandes des particuliers et des professionnels.

	<p>Celle-ci est relevée chaque jour et le suivi des différentes demandes est assuré par les juristes de l'Autorité Centrale belge.</p> <p>3/ Permanence téléphonique: En dehors des heures de bureau, une permanence téléphonique est assurée 24h sur 24 par des membres du personnel du SPF Justice. Ceux-ci ont, à cette fin, reçu une formation adaptée leur permettant de fournir aux parents victimes une aide de première ligne (à savoir, des conseils en matière de prévention et d'actions urgentes en cas de déplacement). En cas de besoin, les juristes travaillant au sein de l'Autorité Centrale belge ou le chef de service peuvent être joints par téléphone par la personne assurant cette permanence de première ligne"</p>
<b>Brazil</b>	<p>Through the Manual for the Application of Norms of the 1980 Convention (in the second edition made by the Federal Justice Council) and also through events open to the public. Through websites, press interviews, seminars and debates with the participation of administrative and judicial authorities. It should be mentioned that in the judicial sphere permanent groups for the study of the Hague Convention of 1980 were established. The issue of child abduction was also introduced in regular programs of many universities. The Brazilian Central Authority has been trying to promote the 1980 Convention by participating in lectures, seminars, press interviews, academic papers and debates around the country.</p> <p>In March 2023, we hosted a seminar with central authorities from countries that adopt common law, aimed at exchanging experiences and knowledge-sharing.</p>
<b>Bulgaria</b>	by publication, by videos, by brochures
<b>Canada</b>	<p>There are numerous methods undertaken by Canadian CAs to disseminate information to the public, NGOs and legal practitioners about the 1980 Convention. Some examples of modes of dissemination include participation in training sessions and seminars, pamphlets, media, and websites. The federal Government has issued a guidebook for left-behind parents (<a href="https://travel.gc.ca/travelling/publications/international-child-abductions">https://travel.gc.ca/travelling/publications/international-child-abductions</a>) and some provincial and territorial governments have informational webpages.</p>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Through talks and seminars given to the public e.g. to the university students or governmental organizations. Also, the information about the Convention can be found in our website : <a href="http://www.doj.gov.hk/childabduct/index.html">http://www.doj.gov.hk/childabduct/index.html</a>
<b>China (Macao SAR)</b>	The Central Authority of the Macao SAR has created a page on its official website to disseminate information with regard to the 1980 Convention, including application procedures and relevant internal laws.
<b>Colombia</b>	The colombian state have provided access facilities to the public through the web page of the Colombian Institute of Family Welfare about the Hague convention
<b>Costa Rica</b>	<p>PANI has public information in this link: <a href="https://pani.go.cr/sustraccion-y-o-visitaciones-internacionales">https://pani.go.cr/sustraccion-y-o-visitaciones-internacionales</a>.</p> <p><a href="https://salasegunda.poder-judicial.go.cr/revista/Revista_N15/contenido/PDFs/07-articulo%20-02.pdf">https://salasegunda.poder-judicial.go.cr/revista/Revista_N15/contenido/PDFs/07-articulo%20-02.pdf</a></p>
<b>Cyprus</b>	Relevant information / related documents are available online at the Ministry's website: <a href="http://www.mjpo.gov.cy">www.mjpo.gov.cy</a> . Information may also be relayed by phone.
<b>Czech Republic</b>	Trainings for local social service authorities, judges, webpage of the Central Authority, accounts in social networks have been created.
<b>Denmark</b>	The Central Authority has a website with information on the 1980 Convention: <a href="https://english.boernebortfoerelse.dk/">https://english.boernebortfoerelse.dk/</a>
<b>Dominican Republic</b>	We use online resources to promote our international child abduction services.
<b>Ecuador</b>	
<b>El Salvador</b>	A través de portales web de información pública.

<b>Estonia</b>	It's available online, Ministry of Justice website also directs to it. There are also articles and educational videos on it. We have also given seminars or trainings to the administrative institutions.
<b>Finland</b>	The Finnish Ministry of Justice has an updated child abduction information kit, which can be found from here (in English): <a href="https://oikeus.fi/en/index/mattersand/00c1wj0fo.html">https://oikeus.fi/en/index/mattersand/00c1wj0fo.html</a> Please see Question 1. h)
<b>France</b>	<p>Le ministère de la justice met à la disposition du public un site Internet consacré aux enlèvements internationaux d'enfants et aux droits de visite transfrontaliers, accessible à l'adresse suivant <a href="http://www.justice.gouv.fr/justice-civile-11861/enlevement-parental-12063/">http://www.justice.gouv.fr/justice-civile-11861/enlevement-parental-12063/</a> Ce site précise notamment les pièces requises pour constituer un dossier de demande de retour et met à la disposition du public un formulaire de demande de retour téléchargeable. Par ailleurs, des informations relatives à l'aide à la médiation familiale internationale sont également fournies. Les adresses utiles figurent sur ce site. En outre, les coordonnées de l'Autorité centrale française compétente en matière d'enlèvement international d'enfants figurent sur le portail e-justice européen financé par la Commission européenne.</p> <p>L'Autorité centrale française intervient par ailleurs dans des conférences ou des colloques afin de faire connaître la Convention.</p> <p>D'un point de vue plus général, les conseils départementaux de l'accès au droit (CDAD), hébergés au sein du tribunal judiciaire du chef-lieu de chaque département, jouent également un rôle essentiel d'information et de communication vis-à-vis des justiciables. Il en est de même des Maisons de la justice et du droit (MJD).</p> <p>Par ailleurs, certaines associations et réseaux privés apportent un soutien spécifique aux parents dont les enfants ont été déplacés.</p>
<b>Georgia</b>	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: <a href="https://justice.gov.ge/?m=articles&amp;id=5indu2LCrB">https://justice.gov.ge/?m=articles&amp;id=5indu2LCrB</a> . In addition, upon request, the representatives of the Central Authority of Georgia deliver the relevant information on the operation of the 1980 Hague Convention.
<b>Germany</b>	<p>- Website of the Federal Office of Justice (in German and English, <a href="https://www.bundesjustizamt.de/DE/Themen/Familieinternational/Sorger_echt">https://www.bundesjustizamt.de/DE/Themen/Familieinternational/Sorger_echt</a> and <a href="https://www.bundesjustizamt.de/EN/Topics/FamilyMattersInternational/Custody">https://www.bundesjustizamt.de/EN/Topics/FamilyMattersInternational/Custody</a> - brochure (currently available in German and English) - co-operation with NGOs operating helplines - seminars/training sessions/exchange of information with/for judges, attorneys, youth welfare officers, the police, NGOs, mediators (training of the trainers)</p>
<b>Honduras</b>	By the official social network of the DINAF and through the local news.
<b>Iceland</b>	On the website of the Icelandic Government in Icelandic and English: <a href="https://www.government.is/topics/social-welfare-and-families/child-abduction/">https://www.government.is/topics/social-welfare-and-families/child-abduction/</a> <a href="https://www.stjornarradid.is/verkefni/felags-og-fjolskyldumal/malefni-barna/brottnam-barna/">https://www.stjornarradid.is/verkefni/felags-og-fjolskyldumal/malefni-barna/brottnam-barna/</a>
<b>Israel</b>	The website of the Central Authority provides information to the public concerning the operation of the Convention. Social media is also used to raise public awareness about the Convention.
<b>Italy</b>	Web sites managed by Ministry of Justice and Foreign Affairs offering general information
<b>Jamaica</b>	Website
<b>Japan</b>	JCA raises public awareness through websites, PR videos, posters, leaflets, and social media (Twitter and YouTube). Moreover, it offers seminars for Japanese nationals living overseas.

<b>Latvia</b>	Through website and social media of the Central Authority: <a href="https://www.tm.gov.lv/lv/bernu-prettiesiska-aizvesanaaizturesana">https://www.tm.gov.lv/lv/bernu-prettiesiska-aizvesanaaizturesana</a> .  Special section topic "International Child Abduction" in official legislative explanations of the official publisher portal "Latvijasēstnesis" ( <a href="https://lvportals.lv/skaidrojumi">https://lvportals.lv/skaidrojumi</a> ).
<b>Lithuania</b>	We publish information about the 1980 Convention in website ( <a href="https://vaikoteises.lrv.lt/lt/veiklos-sritys/vaiko-teisiu-apsauga/tarptautine-apsauga/neteisetas-vaiko-isvezimas">https://vaikoteises.lrv.lt/lt/veiklos-sritys/vaiko-teisiu-apsauga/tarptautine-apsauga/neteisetas-vaiko-isvezimas</a> ). The Central Authority also has a channel on YouTube platform, where publish the short videos - consultations for society about different questions ( <a href="https://www.youtube.com/@vaikoteisiuapsaugosirivaik4249">https://www.youtube.com/@vaikoteisiuapsaugosirivaik4249</a> ), and the public account on Facebook ( <a href="https://www.facebook.com/vaikoteises.ivaikinimas">https://www.facebook.com/vaikoteises.ivaikinimas</a> ).
<b>Montenegro</b>	Through trainings conducted by the Center for Training in the Court and State Prosecutor's Office as well as the Human Resources Administration
<b>New Zealand</b>	
<b>Panama</b>	The Judicial Branch, through one of its Liaison judges, through the Sapiencia Magazine has published articles referring to the Hague Convention of 1980, on civil aspects of international child abduction. for June 2011. An article on the International Network of Judges for the 1980 Hague Convention on International Child Abduction was published in March 2014. By June 2022, the topic The Serious Risk Exception in the Hague Convention of 1980 will be published in the magazine Sapiencia.  Similarly, officials of the Central Authority and liaison judge have been invited to participate in master's programs in private universities (Latin University of Panama,) to explain about the operation of the Agreement and the Central Authority As for public university (National University of Panama) a liaison judge has participated in seminars such as updating days in 2017, at the regional university center of San Miguelito in November 2017, 2021, and 2022. Similarly in the Regional University Center of the Province of Los Santos in May 2019. And at the National Bar Association of Panama, in a forum on International Restitution: Challenges, application and consequences in the Pandemic for October 2021 in virtual mode through the Zoom platform.
<b>Peru</b>	Through the MIMP Web Portal In addition to lectures to train the lawyers who will be defending the parties, interviews are given to Judges on radio stations so that the general listening public can learn about the processing of international restitution cases and their effect.
<b>Poland</b>	The PCA has its own website.
<b>Portugal</b>	The website of the Portuguese CA, the website of the European Judicial Network in civil and commercial matters
<b>Singapore</b>	The Singapore Central Authority Website
<b>Slovakia</b>	Ministry of Justice send relevant information to central authority and also to the courts
<b>South Africa</b>	Through the departmental website, upon discussion with relevant stakeholders and on request for information.
<b>Spain</b>	Through the website of the Spanish Ministry of Justice with practical information and publication of protocols and at judicial level through the activity of the IHNJ's Spanish liaison judge and the initial and ongoing training activities carried out by the General Council of the Judiciary for all judges and courts in Spain.
<b>Switzerland</b>	Par le site internet de l'Office fédéral de la justice (autorité centrale).
<b>Türkiye</b>	
<b>Ukraine</b>	The information about the 1980 Convention is available in Internet. In 2022 the special section was created on the webpage of the Centre for Free Legal Aid: <a href="https://wiki.legalaid.gov.ua/index.php/Вивезення_за_кордон_дітей_-_громадян_України_та_їх_повернення_в_Україну._Право_батьків_на_доступ_до_дитини">https://wiki.legalaid.gov.ua/index.php/Вивезення_за_кордон_дітей_-_громадян_України_та_їх_повернення_в_Україну._Право_батьків_на_доступ_до_дитини</a> . The applicants could find all information about the Convention, the order of submission of return or access applications as well as all necessary forms of applications.

<b>United Kingdom (England and Wales)</b>	Information is published on gov.uk about the Central Authority role – this includes guidance and also the application form.  Information is published on the reunite International website, some aspects of reunite's work are publicly funded.
<b>United Kingdom (Northern Ireland)</b>	Information can be found at <a href="https://www.justice-ni.gov.uk/articles/child-abduction-matters">https://www.justice-ni.gov.uk/articles/child-abduction-matters</a>
<b>United Kingdom (Scotland)</b>	Protection Guide for Scotland available on the website of the charity 'Reunite'
<b>United States of America</b>	The United States disseminates information to the public about the 1980 Convention through a variety of methods, including but not limited to, the publication of information on websites, and outreach to various stakeholders and parties such as parents, judges, attorneys, law enforcement, Congress, and public and private organizations.
<b>Uruguay</b>	<a href="https://www.poderjudicial.gub.uy/gestion/restitucion-de-menores.html">https://www.poderjudicial.gub.uy/gestion/restitucion-de-menores.html</a>
<b>Venezuela</b>	

## 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:

<b>Argentina</b>	Certain seminars and conferences are organized annually, both by the Central Authority and the Network Judges, in which the practical application of the convention and current challenges are discussed. The members of the Office of International Legal Assistance participate in periodic training, working groups, forums, programs and workshops to strengthen their capacities, share information, exchange their practical experiences and consolidate their practice with other Central Authorities. This practice has led to the strengthening of the bonds of trust between Central Authorities and has a positive impact on the execution of requests for mutual legal assistance.
<b>Australia</b>	Sessions are provided by the ACA to other Government agencies, NGOs and Law Societies whenever the opportunity arises.
<b>Belgium</b>	Formations données ou organisées par le juge du RIJH depuis 2018 (malgré le programme perturbé par la période COVID) - Chaque année : formation délivrée dans le cadre de la formation obligatoire annuelle pour futurs magistrats de la jeunesse et de la famille - Chaque année : formation EJTN proposée au niveau européen sur le droit international et européen de la famille (régulièrement dispensée en Belgique) - 2021: formation organisée à l'IFJ spécifiquement sur les enlèvements parentaux - 2022 : formation résidentielle sur le nouveau règlement Brux. II ter (projet subsidié européen) - Formations délivrées dans les universités : 2019 (UCLouvain) , 2020 (ULiège) , 2021 (UCLouvain) , 2022 (UCLouvain, ULiège, UGent) - 2022 :

	exposé dans le cadre du projet i-Care, sur la coopération judiciaire internationale
<b>Brazil</b>	Courses held at the Judiciary School of the 3rd Region of Federal Justice, the Judiciary School of the 4th Region, the Judiciary School of the 5th Region and the Mediation Course held at the Federal Regional Court of the 2nd Region.
<b>Bulgaria</b>	We have different conferences of internal trainings. Training of judges, social workers, mediators.
<b>Canada</b>	There have been numerous training sessions within Canada since the 2017 Special Commission. Here are a few examples: training sessions for law enforcement in Manitoba, former representatives of the BC CA prepared presentations to family law lawyers about the Convention, training programs offered to consular and political officers, both in Canada and abroad, various training sessions for the members of the private Bars, judiciary, and other agencies and authorities that cooperate domestically in the overall delivery of Canada's international legal obligations under the 1980 Convention.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Our counsel has provided training to the social workers that are attached to the Social Welfare Department on the topic of "Child Abduction across International Borders in Contest for Custody" in December 2019. Very positive feedback had been given by the participants who had rated the training session as being "extremely informative".
<b>China (Macao SAR)</b>	No comment.
<b>Colombia</b>	We have maintained periodic academic spaces with the administrative and judicial authorities to strengthen their knowledge of this specific topic
<b>Costa Rica</b>	In the Central Authority of PANI, we have done in 2022, 2 virtual sessions to inform, train and educate the personal of PANI. Because PANI has two functions. One as the Central Authority, which is located in the Legal Department and the other that is the legal representation of minors according to the Organic Law of the institution, it must be clear how the Convention works for an adequate defense.
<b>Cyprus</b>	
<b>Czech Republic</b>	Training for Judicial Academy, trainings for youth welfare offices, public conferences organised by the Central Authority, universities and other subjects.
<b>Denmark</b>	
<b>Dominican Republic</b>	<p>In order to deepen the knowledge for the correct handling of international child abduction cases, we have held various Seminars in which our institution acted as the Central Authority for the application of said Convention.</p> <p>These seminars have helped to strengthen collaboration between the competent judicial actors to channel cases of illegal transfers or withholdings that occur in our country. The seminars have been aimed at Judges specializing in childhood and adolescence, who are part of guaranteeing the immediate restitution of the rights of minors subject to said Convention.</p> <p>We have had the participation of Ignacio Goicoechea, Legal Liaison Officer for Latin America assigned by the Hague Conference on Private International Law, and Judge Antonia Josefina Grullón Blandino, Presiding Judge of the Civil Chamber of the District Court for Children and Adolescents National, she is also assigned as a Liaison Judge and Member of the International Network of Judges of The Hague for the Protection of Children in our country, among other great exhibitors.</p>



	Developed in an interactive environment where each exhibitor has the availability of the technical use of audiovisual equipment, who talk about various topics of great interest, such as: Keys to the Operation of the 1980 Hague Convention on Civil Aspects of the International Subtraction of Minors, and the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Matters of Parental Responsibility and Child Protection Measures”, “Role of the Central Authority: incoming and outgoing cases”, “Role of the Judge Required”, among other topics"
<b>Ecuador</b>	SEMINAR ON THE INTERNATIONAL RETURN OF CHILDREN on October 2022.
<b>El Salvador</b>	<p>En el período de enero a diciembre de 2021 la Procuraduría General de la República (PGR) brindó:</p> <ul style="list-style-type: none"> <li>* Capacitación sobre el Convenio de La Haya sobre los aspectos Civiles de la sustracción Internacional: dirigido a personal operativo de la Unidad de Niñez y Adolescencia de la PGR (2 grupos de 28 personas).</li> <li>* Análisis y estudio de los procedimientos a seguir en los casos de Sustracción Internacional: dirigido a personal operativo de la Unidad de Niñez y Adolescencia de la PGR (2 grupos de 37 personas).</li> </ul> <p>En el período 2022-2023 la Procuraduría General de la República brindó:</p> <ul style="list-style-type: none"> <li>* Capacitación e inducción a nuevo personal operativo de la Unidad de Niñez y Adolescencia de la PGR relacionado a Sustracción Internacional (8 personas).</li> </ul>
<b>Estonia</b>	For example on EJM meetings, and there have been conferences on the topic.
<b>Finland</b>	The Central Authority has organised training/info sessions to the judges and attorneys.
<b>France</b>	L'autorité centrale française organise tous les 2 ans, en partenariat avec l'Ecole nationale de la Magistrature (ENM), une formation sur les déplacements illicites d'enfants à destination des juges, procureurs, et partenaires institutionnels français. Dans le cadre de la dernière session (novembre 2022), des représentants des autorités allemandes (magistrat et membre de l'Autorité centrale) ont également participé à un échange de bonnes pratiques. Elle organise aussi, en partenariat avec l'ENM, une session destinée aux magistrats étrangers afin de les sensibiliser sur la problématique des déplacements illicites. L'autorité centrale française peut également intervenir ponctuellement au sein de cours d'appel ou de tribunaux lors de réunions ou formations consacrées aux déplacements illicites d'enfants ou plus généralement aux dispositions internationales sur la protection des enfants. L'autorité centrale travaille enfin à l'élaboration d'un guide pratique sur les déplacements illicites d'enfants à destination des praticiens (juges, procureurs, avocats). Ces diverses formations et interventions concernent plusieurs dizaines de professionnels de la justice chaque année, et les retours sont globalement positifs, tant sur l'approfondissement du cadre juridique de la coopération internationale en matière de déplacement d'enfants, que sur l'espace d'échange de bonnes pratiques que ces rencontres permettent.
<b>Georgia</b>	In 2019-2021, the Central Authority of Georgia, in close cooperation with the GIZ, IRZ and with the involvement of international expert, conducted

	<p>the following trainings for judges, social workers, law enforcement officials, mediators and for the staff of central Authority and raised awareness and knowledge of participants on:</p> <ol style="list-style-type: none"> <li>1) the practical operation of 1980 Hague Convention,</li> <li>2) the specific aspects of mediation within the framework of 1980 Hague Convention,</li> <li>3) the enforcement of return orders within the framework of 1980 Hague Convention,</li> <li>4) the practical application of 1996 Hague Convention,</li> <li>5) the procedures for the recognition and enforcement of judicial decisions/administrative arrangements within the framework of 1996 Hague Convention.</li> </ol>
<b>Germany</b>	<p>In Germany, since 2001 two judicial training sessions per year are being held for the judges having specialised jurisdiction for Hague return cases (22 courts of first instance and 22 courts of appeal). In addition, 1-2 judges or persons working for Central Authorities from other countries are invited as well. Since the last Special Commission, guest speakers from Slovenia, Sweden, Italy, Scotland, Poland, Bulgaria, France, Belgium and Slovakia have participated. In spring 2023 Belgium and in autumn 2023 Greece will be present.</p> <p>Under the chairmanship of the German Hague liaison judge (who is also a liaison judge in the European Judicial Network and has jurisdiction for Hague cases herself), the German judges discuss legal issues concerning the 1980 Hague Convention, the Brussels II ter Regulation, the 1996 Child Protection Convention (since 2010) and the corresponding German implementing legislation. Practical issues are equally addressed (judicial networking, information sources, cooperation with other institutions when applying these instruments). They contribute to an enhanced networking between German judges having jurisdiction for Hague cases, the development of model forms and decisions, considerable decrease of the average length of proceedings and increased cross-border judicial communications and co-operation. International networking of judges has also been favoured by the presence of the foreign judges who were often Hague liaison judges or liaison judges in the European Judicial Network (or obtained this function after the conference).</p>
<b>Honduras</b>	<p>The most recent meeting establishing network initiatives was on October 2022 with US Central Authority who came to visit Honduras. This event was organized and coordinated together with the Regional Office for Latin America and the Caribbean (ROLAC) and the participation of the Central Authority of Paraguay, Nicaragua and Brasil virtually, regarding the impact that such conference had, was the inter-institutional link designation to a better exchange of information. By other way, in Courthouse it was agree the creation of guidelines, laws and protocolos were to a more effective application of th 1980 Convention</p>
<b>Iceland</b>	
<b>Israel</b>	<ol style="list-style-type: none"> <li>1) A series of meetings was conducted between the Central Authority and judges in the various family court districts, in order to increase understanding of the role of the Central Authority and how it can assist the courts where necessary.</li> <li>2) Zoom conference of the Israel Bar Association, with the participation of the Central Authority, private attorney and judge. This increased understanding of the operation of the Convention from these different perspectives.</li> <li>3) Participation in seminars of the the Ministry of Social Welfare in order to increase understanding and cooperation between the two authorities in Hague Convention cases.</li> </ol>

	4) Seminar with the Legal Aid Office, to update and ensure the continuing efficient working relationship in the handling of 1980 Convention cases.
<b>Italy</b>	Huge participated training sessions for judges, public prosecutors and lawyers, managed by the national school for Judiciary, bar councils and professional associations
<b>Jamaica</b>	October 2018 conference with approx 30 countries on the 1980 Convention
<b>Japan</b>	Seminars are regularly held by JCA for local governments, bar associations and immigration authorities to promote understanding of the 1980 Hague Convention. The International Hague Network Judges (INHJ), who have attended international conferences on the 1980 Hague Convention, make reports to case officers. The Court regularly provides opportunities to exchange opinions with Central Authorities, bar associations, and the Ministry of Justice to implement better practices as well.
<b>Latvia</b>	Once a year a meeting for the judges of concentrated jurisdiction and separate meeting for pro bono sworn lawyers, also separate meeting for competent authorities, dealing with the international child abduction has been organized dedicated to discussing the application of the Brussels IIa and IIb Regulations and the 1980 Convention. Thus the judges, pro bono lawyers and specialists are advised of new developments, also challenges are being discussed.
<b>Lithuania</b>	In 2019 the online training "The family law" for lawyers, organized by the National Judicial Administration, in cooperation with the Council of Europe's European human rights education program for lawyers "HELP in EU".
<b>Montenegro</b>	Trainings are conducted by the Center and the Human Resources Directorate
<b>New Zealand</b>	Biennial conferences are held for counsel, members of the judiciary and government agencies including child protection services and Police.  The conferences provide an opportunity to discuss issues and developments, to provide consistency in approach nationally and when making a request for return.
<b>Panama</b>	The central authority has participated with the Judicial Branch through the Higher Institute of the Judiciary of Panama in a seminar on International Child Abduction, which was held on March 27 and 28, 2017 where the Regional Office of the Hague Conference was collaborated. The objective of this event was to develop the procedural legal content related to the application of regulations and good practices, which regulate the obligations of the jurisdictional authorities, in relation to the international abduction of minors projecting perspectives of solutions. Topics such as the role of the central authority, the role of the competent judge, the safe return of the child, the channels of information available to obtain information and make quick decisions, procedural delays and their approach were addressed.  In addition, case workshops were held from the perspective of a common law judge and a civil judge.  In September 2017 and 2018, the School of the Public Ministry Dr. Clara González de Behringer held a training day and a congress on civil, agrarian and family affairs for its officials and the general public where a liaison judge developed the topic International Restitution of minors and its effects.  On October 4, 5, and 6, 2017 and September 25 and 26, 2018, the

	<p>Superior Institute of the Judiciary of Panama, Doctor Cesar Augusto Quintero Correa of the Judicial Branch, developed an update seminar on children and adolescents, The International restitution of person in development and growth being one of the topics.</p> <p>On September 13, 2019, a workshop meeting was held for judges of Children and Adolescents at the national level, administrative officials of the Judicial Branch and the Ministry of Foreign Affairs for the establishment of a roadmap for the elaboration of a protocol for referral of cases to mediation in international restitution processes in light of the Convention on Civil Aspects of International Return of Children of 1980</p>
<b>Peru</b>	<p>Seminar on Private International Law: Peru before the Hague Conference".</p> <p><a href="https://www.gob.pe/institucion/rree/noticias/643590-inauguracion-del-seminario-de-derecho-internacional-privado-peru-ante-la-conferencia-de-la-haya">https://www.gob.pe/institucion/rree/noticias/643590-inauguracion-del-seminario-de-derecho-internacional-privado-peru-ante-la-conferencia-de-la-haya</a></p> <p>It should be noted that before the pandemic there were face-to-face training workshops for judges and prosecutors."</p>
<b>Poland</b>	The PCA staff provided training to judges adjudicating cases under the 1980 Hague Convention in 2018 and 2021 (online).
<b>Portugal</b>	The PCA provides some training sessions to spread the informations about the 1980 Hague Convention
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	<p>Two conferences by private practitioners and the University of the Western Cape,</p> <p>An HCCH conference at the University of Pretoria.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Each province has a National Network judge representing their own division.</li> <li>• Between 2019 and 2023 all network judges have attended conferences under the auspices of the International Academy of Family Practitioners, University of Western Cape, University of Pretoria and The Hague Conference where the members of The Hague Conference presented.</li> <li>• Some of the National Network judges presented on procedures and recent developments.</li> <li>• The SAJEI is reluctant to embark upon training on Hague Convention Matters</li> </ul>
<b>Spain</b>	The General Council of the Judiciary, in collaboration with the AECID, has organised a course entitled International Child Abduction in the 21st Century. First Edition", which will take place from 18 to 22 September 2023 in Cartagena de Indias (Colombia), and always includes the subject of international child abduction in its initial and continuous annual training activities for judges and senior judges. An example of this would be the "International Family Law" course that the Council organizes every year with a theme dedicated to International Child Abduction. The Spanish judge of the IHNJ, for example, has carried out a vast number of activities reflected in its latest annual report for the year 2022."
<b>Switzerland</b>	Notre autorité centrale organise tous les deux ans des rencontres/échanges d'expériences entre experts (représentation

	d'enfant et médiation), tribunaux compétents pour juger du retour, Tribunal fédéral et autorités de l'exécution.
<b>Türkiye</b>	
<b>Ukraine</b>	Annual meeting for the territorial departments and the officers in charge who are dealing with the return and access applications are organized by the CA. We discuss the practical issues of operation of the Convention in Ukraine. As the CA we determine the problems and gives the recommendation on better operation of the Convention.
<b>United Kingdom (England and Wales)</b>	Regular training is provided specifically to judges dealing with cases under the 1980 Hague in England and Wales, The IHNJ judges for England and Wales have also provided judicial training for other Hague jurisdictions, including in 2022 Jamaica, Barbados and Trinidad and Tobago.
<b>United Kingdom (Northern Ireland)</b>	Recent lecture by counsel to the Family Bar Association
<b>United Kingdom (Scotland)</b>	Judiciary Family law conferences involving practitioners and judiciary
<b>United States of America</b>	<p>Both the USCA and the U.S. Hague Network Judges participate in judicial trainings that often allow for a large number of judges to be educated about the Convention and the USCA's role in Convention cases. Our Network Judges provide formal and informal training and mentoring of judges in the United States. The Federal Judicial Center also makes training videos featuring former U.S. Hague Network judges and the USCA available to the public.</p> <p>When the USCA provides training to judges and lawyers, we give them resources on preventative measures and stress the role they can play to prevent abduction cases. The USCA also participates, upon request, in various conferences for interested legal associations, including the International Academy of Family Lawyers, the American Academy of Matrimonial Lawyers, and the American Bar Association. The USCA has also organized trainings for lawyers to help encourage their participation in the Hague Convention Attorney Network. At one such training, more than 60 lawyers participated via digital video conference in several locations throughout the United States. This helps to expand the Hague Convention Attorney Network and to support the attorneys handling Convention cases in the United States.</p>
<b>Uruguay</b>	<p>The Liaison Judge and the Central Authority give periodical seminars to competent authorities in Uruguay, about the 1980 and 1996 Hague Convention.</p> <p>In these seminars, we discuss not only the theoretical issues of the conventions but also the practical ones, giving national and international examples.</p>
<b>Venezuela</b>	Las sesiones de capacitación se han realizado con la intervención de todas las autoridades intervinientes para la aplicación del convenio, a través de Congresos Nacionales e Internacionales; Reuniones internas con la participación del Dr. Ignacio Goicoichea como Representante de América Latina y el Caribe. Anualmente se realiza por parte del Tribunal Supremo de Justicia en conjunto con UNICEF el Foro Internacional sobre Derechos de NNA, donde se abordan aspectos de la aplicación del Convenio.

## 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.

<b>Argentina</b>	The Country Profile is rarely used by the Argentinean Central Authority. However the information of contact of each authority is really useful
<b>Australia</b>	While useful it is currently limited as it does not always provide a full explanation of the processes in each State. The regular update of the country profile information by States Parties would be appreciated as the information is sometimes outdated
<b>Belgium</b>	Très utile, surtout pour obtenir les informations sur le fonctionnement pratique de la Convention au sein d'Etats avec lesquels nous travaillons rarement.
<b>Brazil</b>	It is a very relevant tool to get information about the other country.
<b>Bulgaria</b>	
<b>Canada</b>	The Country Profiles, when completed and current, are valuable resources for CAs, and stakeholders. The Country Profiles facilitate easy and efficient access to information about processes and resources of the other Contracting Party involved in an international child abduction, potentially facilitating more expeditious processing of cases. Unfortunately, not all Contracting Parties have provided Country Profiles. It would be especially helpful if new Contracting Parties would complete a Country Profile as soon as possible following their accession to or ratification of the 1980 Convention. It would also be helpful if they were available in French or English.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	It assists States Parties to have basic understanding of the operation of the Convention in other States Parties.
<b>China (Macao SAR)</b>	The information contained in the Country Profiles is useful with a reference value. The revised version is comprehensive.
<b>Colombia</b>	This section has been useful to identify the information of every central authority
<b>Costa Rica</b>	This one is very important, because it is a radiography of how the Country works with the Hague Convention
<b>Cyprus</b>	Very useful and helpful tool. It provides a first guidance on information and a general overview of the application of the Convention to each Contracting State.
<b>Czech Republic</b>	Sufficient and helpful in casework
<b>Denmark</b>	
<b>Dominican Republic</b>	It is very important to keep the contact details of those responsible for the Central Authorities updated for the referral of cases online, and a more fluid communication between everyone.
<b>Ecuador</b>	no comment
<b>El Salvador</b>	Se ha tenido el apoyo por parte de la Oficina Regional en cuanto a las traducciones de los documentos.
<b>Estonia</b>	It's easy to obtain information regarding the other countries practices.
<b>Finland</b>	The Finnish Central Authority has well-established practices in the Child Abduction cases. When necessary, we use the Country Profiles.
<b>France</b>	Le profil d'Etat est un outil très utile au quotidien pour les autorités centrales dans le traitement des dossiers. Il permet de connaître rapidement les procédures mises en œuvre dans les autres Etats et de se



	familiariser rapidement avec les points utiles de leur législation, outre d'obtenir les contacts des autorités centrales.
<b>Georgia</b>	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.
<b>Germany</b>	The Country Profiles are extremely helpful in taking into account the specificities of the respective Convention State in return/access proceedings under the 1980 Hague Convention. For example, the Country Profiles provide for an easy way to determine if it is possible in a Convention State for a decision or other determination to be made pursuant to Art. 15 1980 Convention, that the removal / retention was wrongful within the meaning of Art. 3 1980 Convention. It would also be beneficial to have a similar tool specifically for the 1996 Hague Convention which provides more detailed information on that Convention than it is the case under the current Country Profile which focuses on the 1980 Convention.
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	The ICA has found this to be an extremely valuable tool and refers to it frequently in order to understand other countries' procedures and systems and to be able to explain them to left-behind parents. The ICA finds that it is crucial to be able to provide as much information as possible to left-behind parents, in order to assist them in understanding the process. States who have newly ratified or acceded to the Convention should be encouraged to file a Country Profile as soon as possible.
<b>Italy</b>	very useful
<b>Jamaica</b>	
<b>Japan</b>	It is useful to obtain an overview of the return procedures of other Contracting States. However, not all Contracting States', information is available, and some information has not been updated. Japan hopes that all Contracting States submit a Country Profile in English or French.
<b>Latvia</b>	Is being used upon cooperation with new or first time partners.
<b>Lithuania</b>	The information on Country Profile is very useful when we have to cooperate with countries with which we have no cooperation experience.
<b>Montenegro</b>	
<b>New Zealand</b>	- The Country Profile is a very useful reference tool used by the Central Authority and counsel.  It would be helpful if the information for each signatory State could be updated annually, as the information can quickly become incomplete.
<b>Panama</b>	It is usefull for a better understanding of the scenario
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	The Portuguese Profile was recently updated upon request of the Permanent Bureau
<b>Singapore</b>	
<b>Slovakia</b>	Very useful tool as long as it is up to date.
<b>South Africa</b>	A country's profiles should specify to what extent a country will assist.  Certain country profiles does not provide an explanation on who their Central Authority is and or does not provide proper contact details.

	Considering the urgent nature and when advising parties it is beneficial to have this information readily available.
<b>Spain</b>	Excellent
<b>Switzerland</b>	Cet instrument est d'une grande utilité pratique et permet d'obtenir rapidement les réponses à des questions urgentes, sans devoir interpellier l'autorité centrale d'un autre État.
<b>Türkiye</b>	
<b>Ukraine</b>	We consider the Country Profile is very important. As the CA we regularly apply to the Country Profiles of another States.
<b>United Kingdom (England and Wales)</b>	<p>ICACU finds it helpful to refer other Central Authorities to our Country Profile when they have questions about how England and Wales operates. ICACU also finds it helpful to refer to other States' Profiles (where available).</p> <p>Judiciary - The section dealing with protective measures could be expanded to provide more detailed information about measures available to protect/assist/support a returning parentandchild.</p> <p>Practitioners - adequate.</p>
<b>United Kingdom (Northern Ireland)</b>	no comment
<b>United Kingdom (Scotland)</b>	Helpful for providing information on requirements
<b>United States of America</b>	We regularly use the country profiles to learn about procedures in other countries.
<b>Uruguay</b>	Very useful
<b>Venezuela</b>	Es útil para optimizar la aplicación del Convenio

**b. INCADAT (the international child abduction database, available at [www.incadat.com](http://www.incadat.com)).**

<b>Argentina</b>	The members of the Office of International Legal Assistance participate in periodic training, working groups, forums, programs and workshops to strengthen their capacities, share information, exchange their practical experiences and consolidate their practice with other Central Authorities. In this activities it is used INCADAT.
<b>Australia</b>	INCADAT contains useful information that Australia relies on in its day to day management of cases. The case law search and analysis sections are particularly useful and regular updating is appreciated (especially pertinent analyses translated from languages other than English).
<b>Belgium</b>	Peu consulté
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	Incadat is a helpful tool. However, it is not comprehensive. Generally, Canadian courts refer to reported decisions rendered in Canada before turning to foreign cases reported in Incadat.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	It provides very useful reference and is very user friendly.
<b>China (Macao SAR)</b>	No comment.
<b>Colombia</b>	We don't make use of this tool
<b>Costa Rica</b>	Is important to see how other countries solve the cases and this can be used by the judges who solve the cases.
<b>Cyprus</b>	
<b>Czech Republic</b>	Sufficient and helpful in casework

<b>Denmark</b>	
<b>Dominican Republic</b>	This database represents a good input to support the evaluation of the behavior of international child abduction cases in our region and throughout the world.
<b>Ecuador</b>	no comment
<b>El Salvador</b>	
<b>Estonia</b>	Useful to find cases
<b>Finland</b>	When necessary, we use the INCADAT.
<b>France</b>	Cette base juridique est intéressante mais n'est pas une ressource couramment utilisée par l'autorité centrale ou les juridictions.
<b>Georgia</b>	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.
<b>Germany</b>	While INCADAT has a considerable potential, it seems there is still room for its practical potential to be fully utilized. From a German perspective, the number of decisions of German Courts has increased over the past years and the CA is constantly working on further increasing the number of German decisions.
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	INCADAT is an invaluable tool when trying to learn how certain issues under the Convention have been interpreted and adjudicated in other States. The Israel Supreme Court has made reference in judgments to INCADAT and to the section on case law analysis, for example on the issue of habitual residence.
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	It is an easy-to-search and useful tool with extensive court cases. However, given the gap among countries in providing precedents, and that the full text of the decision is not available for some of the published cases, there is room for further improvement.
<b>Latvia</b>	Not used frequently.
<b>Lithuania</b>	It is useful tool for lawyers.
<b>Montenegro</b>	
<b>New Zealand</b>	– the INCADAT database continues to be a very useful tool for case management, but it also continues not to be comprehensive and reported cases can be sourced from other sites.
<b>Panama</b>	It is helpful and a friendly website
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	lack of support of the PB
<b>Singapore</b>	
<b>Slovakia</b>	Useful tool for courts when deciding similar cases
<b>South Africa</b>	
<b>Spain</b>	Excellent
<b>Switzerland</b>	Utile, si gardé à jour, afin de déterminer comment les tribunaux d'autres États ont tranché une certaine question. Il faut toutefois souligner qu'il ne faudrait pas se limiter à INCADAT pour la détermination du droit d'un autre État.
<b>Türkiye</b>	

Ukraine	It is very usefull source.
United Kingdom (England and Wales)	ICACU considers this a useful tool to which to refer practitioners. Judiciary - England and Wales has an Incadat Judge who is responsible for uploading cases to the website. Incadat also provides invaluable access to decsions in other Contracting States.
United Kingdom (Northern Ireland)	Stats are updated for NI CA
United Kingdom (Scotland)	Judiciary This is an extremely useful tool, particularly in difficult cases where a comparative view is of interest.
United States of America	The USCA is aware that INCADAT can be a good resource for people looking for information on Convention cases in other countries.  However, it should not be used alone.  Other databases that include legal opinions might provide information on cases not included in INCADAT as well as copies of the opinions themselves.
Uruguay	Extremely useful. It is very frequently used by the Judges.
Venezuela	Resulta necesaria para dar a conocer datos específicos a los usuarios interesados en el tema

c. *The Judges' Newsletter* on International Child Protection - the HCCH publication which is available online for free;<sup>18</sup>

Argentina	The Argentinean Central Authority has not being utilized the Newsletter
Australia	This is a useful publication
Belgium	Peu consulté
Brazil	It is a very relevant tool to get information about the other country.
Bulgaria	
Canada	It was useful and informative. We understand that the last issue is from 2019 and would welcome for its publication to resume.
Chile	
China (Hong Kong SAR)	It provides very useful reference.
China (Macao SAR)	No comment.
Colombia	This tool have been usefull to be permantly updated
Costa Rica	For the judges is very important, because know how the cases are being solved
Cyprus	
Czech Republic	Sufficient and helpful in casework
Denmark	
Dominican Republic	It is a good tool or resource to share information about the work and good practices carried out by judges, it serves as a reference for Central Authorities for case studies.
Ecuador	no comment
El Salvador	
Estonia	Useful for judges
Finland	-

<sup>18</sup> 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.

France	La lettre des juges n'est pas une ressource couramment utilisée par l'autorité centrale ou les juridictions.
Georgia	This is a great opportunity 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.
Germany	Whilst being a useful tool in general, it would appear favorable if the Newsletter was released more frequently so that it can be utilized to include announcements on upcoming publications, seminars etc.
Honduras	
Iceland	
Israel	The Judges' Newsletter contains very important, informative and useful articles.
Italy	useful
Jamaica	
Japan	It contains much useful information.
Latvia	Not used frequently.
Lithuania	
Montenegro	
New Zealand	- The judges' biannual newsletter on international child protection is published on the HCCH website and is free to access. Very interesting articles can be accessed..
Panama	it keep us up to date with any relevant situation or information, it is a good tool
Peru	
Poland	n/a
Portugal	The Portuguese CA has no judges and we do not have access to this Newsletter
Singapore	
Slovakia	A source of useful and practical information
South Africa	
Spain	Excellent
Switzerland	Ressource intéressante.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	Judiciary - The Newsletter is read by judges who undertake cases under the 1980 Hague. The Hague Network Judges for England and Wales contribute articles regularly: see under MacDonald A. in Vol XXII Summer-Fall 2018, Vol XXIII Winter - Spring 2018-19 (three items) and VolXXIV Summer-Fall 2019. Practitioners - useful reference
United Kingdom (Northern Ireland)	
United Kingdom (Scotland)	
United States of America	We understand that the Judges' Newsletters may be helpful, but recognize the limited resources of the Hague Conference.
Uruguay	Very useful. It is also distributed internally in seminars
Venezuela	Es una herramienta con que disponen los países para publicar temas relacionados con la materia.

d. The specialised "Child Abduction Section" of the HCCH website ([www.hcch.net](http://www.hcch.net));

<b>Argentina</b>	It is very useful, it is used on a daily basis
<b>Australia</b>	The Child Abduction Section is particularly useful. The table of accessions is very useful, referred to often, but is relatively buried on the website. It would be helpful to have that more accessible.
<b>Belgium</b>	Facile d'accès et utile
<b>Brazil</b>	Frequently accessed by the BCA.ase insert text here
<b>Bulgaria</b>	
<b>Canada</b>	This is a practical and user-friendly feature of the HCCH's website. CAs and other stakeholders (e.g. lawyers) in Canada use it regularly.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	It provides very useful reference.
<b>China (Macao SAR)</b>	It is suggested that the content of the Child Abduction Section" be provided in various languages, including Chinese, so as to facilitate the practical operation of the 1980 Convention. "
<b>Colombia</b>	We don't make use of this tool
<b>Costa Rica</b>	
<b>Cyprus</b>	Extremely useful as it gathers all available information in one section.
<b>Czech Republic</b>	Good, the Central Authority uses it very often.
<b>Denmark</b>	
<b>Dominican Republic</b>	It contributes to more effectively promote this issue of kidnappings for all people who have access to the digital platform.
<b>Ecuador</b>	no comment
<b>El Salvador</b>	
<b>Estonia</b>	Good for information
<b>Finland</b>	When necessary, we use the Child Abduction Section.
<b>France</b>	L'Espace Enlèvements d'enfants du site web de la HCCH est très utile à l'autorité centrale comme espace centralisant les informations sur le fonctionnement de la convention, les pays adhérents, la documentation utile. Les praticiens y sont renvoyés pour mieux s'informer sur l'instrument.
<b>Georgia</b>	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.
<b>Germany</b>	This topic-centered approach serves a complementary function to the general approach via instruments / Conventions. In this regard, it is quite useful to access the required information more quickly.
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	The ICA finds this Section to be very well organized and user-friendly, and that it contains crucial information for the operation of the Convention. The ICA uses this Section on a regular basis, including: checking the Status Table to determine whether a State is a party to the Convention: learning whether a State has made a reservation to the third paragraph of Article 26, obtaining information from Country Profiles, obtaining the most recent contact details for Central Authorities, accessing the Explanatory Report for interpretation of Articles of the Convention, accessing INCADAT.,
<b>Italy</b>	very useful
<b>Jamaica</b>	



Japan	The list of contact information on the Central Authorities in each country is useful.
Latvia	Not used frequently.
Lithuania	This is useful section where all most important information can be find in one place.
Montenegro	
New Zealand	#NAME?
Panama	friendly website. to promote internally the use for a better understanding
Peru	
Poland	n/a
Portugal	no comments
Singapore	
Slovakia	Useful, source of very interesting and practical information
South Africa	
Spain	Excellent
Switzerland	Utile et fonctionnel.
Türkiye	
Ukraine	The specialised section is very useful source for practitioners.
United Kingdom (England and Wales)	ICACU find this another useful resource and it is helpful that all the information is in one place. J Judiciary - All the information available on the specialised section of the HCCH website is useful and is used frequently by judges and others, including practitioners, in England and Wales.
United Kingdom (Northern Ireland)	no comment
United Kingdom (Scotland)	Helpful and informative
United States of America	We find the Hague Conference's website to be very helpful as a centralized location to find information on the Convention.  In particular, the status table, news about upcoming events, and links to publications prove very useful.
Uruguay	Very useful
Venezuela	Es importante mantener esta sección, debido a que permite al usuario, a los operados del Convenio "Autoridades Centrales, Judiciales y/o Cooperadores" tener una información veráz, confiable y actualizada sobre los aspectos internacionales en materia de sustracción.

- 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;

Argentina	The Argentine Republic has promoted the creation of the Latin American Network of Central Authorities, which purpose is to establish a permanent consultation space that is managed directly and exclusively by Central Authorities, create a board of central authorities, in the accordance with agreements in which they have been designated, hold periodic meetings at the request of the members of the Network, in order to analyze the
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	<p>challenges of international judicial cooperation on different topics, share good practices, promote the creation and development of international instruments on different topics, in consonance with Latin American legal traditions, address the study of international judicial cooperation from a gender perspective, promoting its mainstreaming.</p> <p>With these objectives, the Ministry of Foreign Affairs, International Trade and Worship organized the First Meeting of the Latin American Network of Central Authorities, between September 14 and 15, 2022, in the city of Santa Fe de la Vera Cruz, which developed successfully, in an environment of the highest respect and cordiality. In addition to the Office of International Legal Assistance, the Central Authorities of Chile and Uruguay participated in the meeting.</p> <p>On that occasion, the Letter of Intent for the creation of the Latin American Network of Central Authorities was signed in Santa Fe de la Vera Cruz, September 15, 2022.</p> <p>Professional profiles of the agents of the Central Authority: The professionals who work in the Central Authority participate in forums, work groups and common dialogue spaces, which makes it possible to have a fluid exchange regarding new challenges, new regulations, good practices, case management, etc. with their colleagues from around the world.</p> <p>Furthermore, the professional profiles, for the most part, have postgraduate, masters and doctoral studies in related subjects, and knowledge of foreign languages: English, Italian, French and Portuguese at work level. They also participate in academic activities in related subjects, such as university teaching (undergraduate and graduate level), research, academic associations, and publications.</p> <p>This has made it possible to strengthen the participation in academic activities and professional training of public officials with and towards the actors that participate in international legal cooperation mechanisms.</p> <p>On the other hand, the members of the Office of International Legal Assistance participate in periodic training, working groups, forums, programs and workshops to strengthen their capacities, share information, exchange their practical experiences and consolidate their practice with other Central Authorities. This practice has led to the strengthening of the bonds of trust between Central Authorities and has a positive impact on the execution of requests for mutual legal assistance.</p>
<b>Australia</b>	Australia welcomes the work of the Permanent Bureau to increase knowledge about the Children's Conventions and to support the Central Authorities, on behalf of States Parties, to develop strong relationships to ensure the smooth future function of the Conventions.
<b>Belgium</b>	Peut être très intéressant
<b>Brazil</b>	The BCA is in a position to cooperate to the HCCH efforts to provide technical assistance and training to other States-Parties, specially the newly acceding and States that are interested on acceding to the Hague Convention.
<b>Bulgaria</b>	
<b>Canada</b>	Canada generally supports the provision of assistance and training on the 1980 and 1996 Conventions within existing resources and in light of the organisation's work programme and priorities as determined by the Council on General Affairs and Policy. While the methods/mechanisms

	proposed in the question may present benefits, they require considerable human and financial resources (i.e. to travel and attend such activities). We would therefore encourage the Permanent Bureau to explore developing more cost-effective ways of providing assistance and training, for example through webinars and virtual meetings.
Chile	
China (Hong Kong SAR)	We very much appreciate the Permanent Bureau's efforts in organising seminars, conferences and special meetings to promote judicial and administrative co-operation as well as providing support in maintaining relevant materials and updated information in its website for the effective operation of the Convention by the Central Authorities.
China (Macao SAR)	No comment.
Colombia	Our country have had some meeting but we didn't have any training by PB
Costa Rica	
Cyprus	Very useful.
Czech Republic	The Central Authority does not use it.
Denmark	
Dominican Republic	This is very important, we believe that there should be a permanent training agenda for people who work day-to-day with international abduction issues in the Central Authorities and for other people who represent the judicial sphere in the process.
Ecuador	no comment
El Salvador	
Estonia	
Finland	-
France	Cette assistance n'a pas été sollicitée par l'autorité centrale française depuis la dernière réunion.
Georgia	It is a perfect way 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.
Germany	This is considered very helpful.
Honduras	
Iceland	
Israel	This is an extremely important service, both with respect to new Contracting Parties and well as Contracting Parties with respect to whom other Contracting Parties have been experiencing difficulties. On occasions when the ICA has contacted the Permanent Bureau with respect to such difficulties, the ICA has been very pleased to learn of initiatives being taken by the PB with respect to such states, including conducting judicial seminars. The ICA recently participated in a conference organized through its Regional Office - this was an excellent opportunity to share information and practises with a view to securing a more consistent implementation of the Convention amongst the member States. The twinning system that was previously established appears to be another valuable tool for providing assistance and training, however it is not known to what extent this system is being used.
Italy	very useful
Jamaica	
Japan	
Latvia	Participation in Special Commisions.

<b>Lithuania</b>	We really appreciate the trainings organized by PB and find them as important contribution to correct and effective State's practical operation of Conventions.
<b>Montenegro</b>	
<b>New Zealand</b>	- New Zealand supports the provision of assistance and training for the 1980 and 1996 Conventions within existing resources to ensure consistent interpretation of the concepts of the Conventions.
<b>Panama</b>	agree
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	The PCA did not received any training/assistance
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	Supported
<b>Spain</b>	Excellent
<b>Switzerland</b>	Essentiels pour les États qui n'ont pas d'expérience avec l'application des conventions de La Haye et dans la fonction d'autorité centrale.
<b>Türkiye</b>	
<b>Ukraine</b>	The Ukrainian CA appreciates such assistance. As was mentioned before in 2023 the Roundtable was organized by the PB to discuss the operation of the 1980 Convention and the challenges for the CA because of war.
<b>United Kingdom (England and Wales)</b>	The UK continues to see the value in this.
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	We appreciate the Permanent Bureau's organization and support for technical assistance, including the work of the regional offices.  The United States participates in many of the trainings and conferences that are organized by the Permanent Bureau and believes that they are useful.
<b>Uruguay</b>	We had technical assistance provided by the ROLAC. In the past, they had participated in our seminars and it was extremely useful
<b>Venezuela</b>	Efectivamente, los Estados Contratantes cuentan con este medio para fortalecer el funcionamiento del Convenio de la Haya de 1980.

f. Encouraging wider ratification of, or accession to, the 1980 (and 1996) Conventions, including educating those unfamiliar with the Convention(s);<sup>19</sup>

<b>Argentina</b>	Accession to the 1996 Convention is being promoted.
<b>Australia</b>	Australia welcomes this work
<b>Belgium</b>	Très utile
<b>Brazil</b>	The BCA is in a position to cooperate with the HCCH efforts to provide technical assistance and training to other States-Parties, specially the newly acceding and States that are interested on acceding to the Hague Convention.

<sup>19</sup> 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.

<b>Bulgaria</b>	
<b>Canada</b>	We think it is critical to impress upon any State considering becoming a party the need to properly and fully implement the instrument(s), including by adopting: - procedural rules that will facilitate the expeditious treatment of 1980 Convention applications, - effective mechanisms to enforce return orders made under the 1980 Convention.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	It ensures the effective operation of the Convention on a wide basis.
<b>China (Macao SAR)</b>	No comment.
<b>Colombia</b>	We have made some meeting with other countrys to strengthen the cooperation
<b>Costa Rica</b>	
<b>Cyprus</b>	Necessary.
<b>Czech Republic</b>	The Central Authority promotes the accession of other states through the national authority (Ministry of Justice).
<b>Denmark</b>	
<b>Dominican Republic</b>	It is a necessity that we all can expand the opportunities to work on abduction cases with new countries, and share experiences of good practices with the countries that are already part of these Convention.
<b>Ecuador</b>	no comment
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	Finland and the HCCH have Africa cooperation in this regards.
<b>France</b>	La France, dans le cadre de son dialogue bilatéral avec certains pays, soutient toujours l'adhésion du plus grand nombre d'état aux Conventions de 1980 et de 1996 et fournit souvent à ses partenaires des éléments généraux plaidant en faveur d'une large adhésion à ces conventions.
<b>Georgia</b>	In general, the increasing number of the contracting states will facilitate the better application of the 1980 Hague Convention in practice
<b>Germany</b>	
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	Wider ratification/accession is very desirable. However if possible, prior to such ratification/accession, it would be important to learn whether a potential State has the ability to enact the necessary implementing legislation that would allow it to fulfill its obligations under the Convention.  Education is a key factor, and should be done if possible prior to such ratification/accesstion, in order to ensure proper implementation. In addition to the work being done by the PB, twinning should be encouraged, so that potential/new states can learn from the practical experience of more experienced states.
<b>Italy</b>	very useful, apart of political issues
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	Latvia is of supporting opinion.
<b>Lithuania</b>	We are on position that as many as possible countries should ratificate or acceed to Conventions, so that the cooperation with that countries could take place, and the information on the national regulation of other

	countries could be know, the good practice of cooperation could be shared.
Montenegro	
New Zealand	- New Zealand supports the wider ratification of, or accession to, the 1980 (and 1996) Conventions, but lacks existing resources to undertake such work.
Panama	agree
Peru	
Poland	n/a
Portugal	The PCA has no competence in this matter.
Singapore	
Slovakia	Slovak Republic appreciates the efforts of the PB in this field.
South Africa	Supported
Spain	Excellent
Switzerland	En tant qu'autorité centrale nous sommes très souvent confrontés à des situations qu'il serait tout à fait possible de résoudre si l'autre État avait ratifié les Conventions de 1980 et 1996. Il est par conséquent important d'inciter les États à ratifier ces instruments.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	The Hague Network Judges for England and Wales would be willing to assist the PB if required to promote the wider ratification of or accession to the 1980 and 1996 Conventions.
United Kingdom (Northern Ireland)	no comment
United Kingdom (Scotland)	
United States of America	Yes, we believe such efforts are useful.
Uruguay	Very useful
Venezuela	Si, está dirigido a todo interesado

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.

Argentina	The Central Authority is preparing some previous meetings in order to communicate with another Central Authorities
Australia	Australia welcomes this approach
Belgium	Très utile
Brazil	We are satisfied with the HCCH work in this regard.
Bulgaria	
Canada	This should remain one of the main functions of the Permanent Bureau. However, to be able to do so, Parties must regularly update the contact information for their CAs. We think the Permanent Bureau should send regular reminders to States.
Chile	
China (Hong Kong SAR)	It is important to have such support in order to maintain the effectiveness and efficiency in the implementation of the Convention.
China (Macao SAR)	It is deemed that maintaining updated contact details on the HCCH website is helpful and important, which facilitates the communications between Central Authorities.



<b>Colombia</b>	The information on the web page has been usefull since day 1
<b>Costa Rica</b>	Very important information cause is the way we get to know the Central Authorities and how to get in touch.
<b>Cyprus</b>	Important to maintain contact details of each CA updated.
<b>Czech Republic</b>	The Central Authority provided information for access preparation of some states that asked for help or some specific information.
<b>Denmark</b>	
<b>Dominican Republic</b>	That this portal on the Web is always updated.
<b>Ecuador</b>	The intervention must be more rigorous, so that the central authorities expedite the communication of cases.
<b>El Salvador</b>	Se ha tenido el apoyo de la oficina regional en la facilitación de contactos de autoridades centrales cuando no se ha obtenido respuesta a comunicaciones relacionadas a la tramitación de casos.
<b>Estonia</b>	Important for practical cases
<b>Finland</b>	The Finnish Central Authority has provided updated contact details. We wish that all the Central Authorities regularly update their contact details.
<b>France</b>	Ces actions, notamment de mise à jour des informations du site de la HCCH, sont essentielles à la bonne mise en œuvre de la Convention de 1980 au quotidien.
<b>Georgia</b>	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.
<b>Germany</b>	This is considered very helpful.
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	This is a crucial service. The ICA has unfortunately experienced and continues to experience communication difficulties with some Contracting States, including out-of-date contact details or failure to communicate/respond. The PB and its Regional Office have been extremely helpful in securing contact details and/or securing responses from non-communicative states. All such actions taken in this respect are most welcome and appreciated.
<b>Italy</b>	very useful
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	Latvia is of supporting opinion.
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	- New Zealand continues to support communications between Central Authorities and intervening to facilitate contact in individual cases where obstacles arise.
<b>Panama</b>	agree
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	Communications with the PB are good
<b>Singapore</b>	
<b>Slovakia</b>	Crucial
<b>South Africa</b>	Supported
<b>Spain</b>	Excellent

<b>Switzerland</b>	Cela est essentiel. Il faudrait régulièrement encourager les États à garder à jour leurs coordonnées (de préférence, des adresses de courriel et numéros de téléphone par lesquels il est effectivement possible d'atteindre un(e) collègue en cas d'urgence).
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	ICACU considers this extremely useful.
<b>United Kingdom (Northern Ireland)</b>	Difficulties updating address/contact details - who do we contact to ensure updates completed.
<b>United Kingdom (Scotland)</b>	This is very helpful and enables good co-operation
<b>United States of America</b>	Yes, we believe such efforts are useful.
<b>Uruguay</b>	Extremely useful
<b>Venezuela</b>	Es necesario mantener actualizado un directorio digital, para mantener las comunicaciones.

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.

<b>Argentina</b>	The Central Authority is in permanent contact with the two network judges in Argentina.
<b>Australia</b>	Australia supports this work. The IHNJ is a crucial element of the 1980 and 1996 Children's Conventions framework.
<b>Belgium</b>	<p>L'envoi régulier aux juges du RIJH de la liste actualisée est tout à fait précieux.</p> <p>Le développement de la plateforme sécurisée reste bloqué. Un souci reste le fait que l'on ne peut recevoir de notification quant à l'arrivée d'un nouveau message avant d'avoir donné un consentement pour recevoir cette notification.</p> <p>La liste des membres et de leurs références de contact avec les photos est utile, pour repérer facilement les personnes.</p>
<b>Brazil</b>	The electronic contact platform between the Judges of the Network works very well, but is little used.
<b>Bulgaria</b>	
<b>Canada</b>	<p>The Permanent Bureau should support communications among the IHNJ judges by maintaining their contact information in a confidential database and inviting for regular updates of such information.</p> <p>However, we do not see a role for the Permanent Bureau in actual communications as it is within the exclusive discretion of individual judges to determine if and when to communicate with one another. We also feel that IHNJ judges could rely on one another to provide information or guidance on their roles as contact judges and on the use of direct judicial communications. In Canada's view, this was the main purpose of establishing the IHNJ.</p> <p>We also do not see a role for the Permanent Bureau in supporting communications between IHNJ judges and CAs. As per 1.6.4 of the Conclusions and Recommendations of the 2006 Special Commission,</p>

	<p>adopted again in the Conclusions and Recommendations of the 2011 Special Commission (see number 67): The Special Commission recognises that, having regard to the principle of the separation of powers, the relationship between judges and CAs can take different forms." We would support IHNJ judges and CAs sharing their experience and best practices regarding such communications, for example in the context of the Special Commission meeting.</p> <p>These views do not preclude the Permanent Bureau from supporting communications among IHNJ judges and among IHNJ judges and CAs by inviting them to participate in activities such as seminars and conferences that provide important opportunities to share experiences more broadly."</p>
Chile	
China (Hong Kong SAR)	It is important to have such support in order to maintain the effectiveness and efficiency in the implementation of the Convention.
China (Macao SAR)	No comment.
Colombia	In some cases we have received support from the judges of the Hague Network but in others takes too long to receive any information
Costa Rica	we have never used this, but if it is required, we can use it.
Cyprus	
Czech Republic	The Central Authority is in frequent contact with our designated judges, employees of the Central Authority participate in joint trainings.
Denmark	
Dominican Republic	The judges of the Network represent a great support to be able to expedite the processes in the Courts, as well as to facilitate communication with the central authorities when necessary.
Ecuador	no comment
El Salvador	
Estonia	Also, important for practical cases
Finland	We consider that the Hague Network Judges network is beneficial.
France	Cette action est également utile à la résolution des situations de déplacements illicites d'enfants. Ces communications permettent de mieux comprendre les différents systèmes juridiques, de trouver des solutions adaptées au cas par cas. Dans cette optique, il est nécessaire de pouvoir facilement trouver les contacts des membres du Réseau.
Georgia	Not applicable.
Germany	This is considered very helpful.
Honduras	
Iceland	
Israel	Such support is critical to the effective operation of the Convention and should continue.
Italy	very useful
Jamaica	
Japan	We hope that the contact information for the judges in each country is updated on a continual basis.
Latvia	Latvia is of supporting opinion.
Lithuania	
Montenegro	
New Zealand	- New Zealand continues to support such communications.
Panama	agree
Peru	

Poland	n/a
Portugal	The PCA has no competence in this matter.
Singapore	
Slovakia	Useful and necessary
South Africa	Supported
Spain	Excellent
Switzerland	Ces actions sont à encourager.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	<p>The PB provides essential support in respect of the INHJ.</p> <p>This includes convening meetings in person and remotely. The latter are particularly important having regard to the frequency with which in person meetings can be arranged because of cost and other factors.</p> <p>The Secure Platform is not used as much as it could be but we are confident that, with further time, it will be used much more frequently.</p>
United Kingdom (Northern Ireland)	How can we add additional Judge to this list.
United Kingdom (Scotland)	Judiciary The maintenance and updating of the contact details of the Hague Network Judges is invaluable, so that there is no delay in making contact with another INHJ in urgent cases. The virtual meetings arranged by the PB have helped judges to maintain connections during period when they could not meet in person. There is, however, no real substitute for occasional in person meetings.
United States of America	<p>We very much appreciate conferences on the model of the Panama Inter-American Conference, where central authorities and judges have the opportunity to interact with one another.</p> <p>While we support efforts to facilitate communications between the judiciary and central authorities, it is important to remember that central authorities make policy while the judiciary applies the law to particular cases.</p>
Uruguay	Extremely useful
Venezuela	Es imprescindible mantener actualizado los directorios y especialmente las comunicaciones como eje central para la aplicación del Convenio.

- 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.

Argentina	In the cases in which the statistics are requested, they can be sent by this Central Authority
Australia	Australia welcomes this approach
Belgium	Très utile
Brazil	
Bulgaria	
Canada	The Permanent Bureau should answer questions regarding the operation or interpretation of the Conventions by referring to existing tools of the HCCH (e.g. Explanatory Reports, Guides to Good Practice, Conclusions and Recommendations), legislation or protocols in place in specific States (if the Permanent Bureau is aware of them) or by inviting CAs, INHJ judges

	or other operators to consult with other CAs, IHNJ judges or other operators.
Chile	
China (Hong Kong SAR)	We appreciate the Permanent Bureau's assistance and effort in responding to questions raised by the Central Authorities, Hague Network Judges or other operators concerning the practical operation or implementation of the 1980 Conventions.
China (Macao SAR)	It is deemed that the practice is useful and may facilitate the good operation of the 1980 Convention.
Colombia	We don't make use of this tool
Costa Rica	If it's needed.
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	Very necessary
Ecuador	no comment
El Salvador	
Estonia	
Finland	We consider that this has been functioning well.
France	Cette action est également bénéfique pour la mise en œuvre de la Convention de 1980, en ce qu'elle permet d'harmoniser les interprétations et pratiques.
Georgia	Not applicable
Germany	This is considered very helpful.
Honduras	
Iceland	
Israel	Such support is critical to the effective operation of the Convention and should continue.
Italy	very useful
Jamaica	
Japan	
Latvia	Latvia is of supporting opinion.
Lithuania	This practice is useful.
Montenegro	
New Zealand	- the Central Authority in New Zealand promptly responds to specific questions raised by other central authorities, judges or stakeholders regarding the operation or interpretation of the 1980 (and 1996) Conventions, particularly as they relate to New Zealand issues.
Panama	agree
Peru	
Poland	n/a
Portugal	The PB provides some useful informations in these matters
Singapore	
Slovakia	Useful
South Africa	Supported
Spain	Excellent
Switzerland	Il s'agit d'un service apprécié.
Türkiye	
Ukraine	

<b>United Kingdom (England and Wales)</b>	ICACU considers this useful.
<b>United Kingdom (Northern Ireland)</b>	
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	Yes, we believe such efforts are useful.
<b>Uruguay</b>	Very useful
<b>Venezuela</b>	Es preciso contar con la reciprocidad en el uso de as comunicaciones, ello atendiendo, a que las respuestas deben ser confiables y oportunas para el buen desempeño en la aplicación del Convenio.



## Guides to Good Practice under the 1980 Convention

54. For any of the Guides to Good Practice<sup>20</sup> 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.

<b>Argentina</b>	This document is currently used to provide to the Central Authority guidance for cases and to verify the scope of the capacity when doubt.
<b>Australia</b>	As an established Central Authority, the ACA finds the Guide to Good Practice useful, particularly in discussions with newer Central Authorities. The ACA's procedures align closely with the principles outlined in the Guide and the ACA works closely with other Central Authorities in respect to the operation of the Hague Convention. The ACA holds regular meetings with a number of other Central Authorities on the practical operation of the Convention and also participates in international meetings discussing the Convention.
<b>Belgium</b>	Le Guide pratique est utilisé régulièrement afin d'appuyer la position de l'Autorité centrale belge auprès des autorités requises quant la manière de traiter une demande (par exemple les conditions dans lesquelles une demande peut être rejetée sur base de l'article 27).  Il est également utilisé pour la formation des nouveaux membres de l'Autorité centrale.
<b>Brazil</b>	- assistance for returning parent, with information and support, - assistance in ensuring respect for undertakings, - help of Interpol to locate the child, - provision of information to applicant parents, - letter of voluntary return is sent to taking parent offering help in settling an amicable agreement, - acknowledgement form to incoming cases, - education
<b>Bulgaria</b>	
<b>Canada</b>	Guides to Good Practice are considered very helpful. They are used by CAs for direction when new situations arise. They are referred to in communications with other States when issues regarding the operation of the Convention are raised. They are also useful when preparing speaking material on the Convention.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	We have used the Guide to Good Practice as reference in improving the implementation and operation of the Convention. The Guide also serves as reference in our making of policy and practical decisions relating to the implementation of the Convention. The Guide provides useful practical guidance to the relevant authorities which play a part in the operation of the Convention.
<b>China (Macao SAR)</b>	Information contained in this part is useful with a reference value. It is suggested that the information be provided in various languages, including Chinese, so as to facilitate the practical operation of the 1980 Convention.
<b>Colombia</b>	In Colombia we have made use of great part of this guide to write a service lineament
<b>Costa Rica</b>	
<b>Cyprus</b>	

<sup>20</sup> All Parts of the Guide to Good Practice under the 1980 Convention are available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section" then "Guides to Good Practice".

<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	no comment
<b>El Salvador</b>	
<b>Estonia</b>	They are useful. We refer to EU reply on the belowmentioned points as well.
<b>Finland</b>	The Finnish Central Authority has well-established practices in the Child Abduction cases. When necessary, we use the Guides to Good Practice.
<b>France</b>	Compte tenu de l'expérience qu'elle avait déjà acquise dans l'application de la Convention de 1980, l'autorité centrale française a pu s'appuyer sur les différentes parties de ce guide pour conforter sa pratique de mise en oeuvre de ladite convention.
<b>Georgia</b>	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>Germany</b>	Part I is addressed to legislators and Central Authorities. The part addressed to Central Authorities is known to the Central Authority, and most of the recommendations made have already been implemented by the German Central Authority. A description in detail would go beyond the scope of this Questionnaire. As an example, practices have been implemented to avoid any delay by efforts on voluntary return or mediation which are carried out simultaneously to preparation of court proceedings.
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	The ICA's practices are consistent with the content and spirit of the Guide. In cases where new issues or challenges arise, it refers to the Guide for assistance. Further, in cases where the ICA experiences difficulties with other Central Authorities, it will refer them to the relevant sections of the Guide in the hope of soliciting effective cooperation.
<b>Italy</b>	very useful
<b>Jamaica</b>	
<b>Japan</b>	Referenced as necessary, for example, when deciding to transfer an outgoing case where a child left for another Contracting State after the application had been received.
<b>Latvia</b>	Is being frequently used by the Latvian Central Authority.
<b>Lithuania</b>	We used this part of practice guide as a basis of our description of procedure of processing the applications under Hague Convention.
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	contacting the taking parent first for a mediation
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	No comments
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	The Central Authorities should be empowered to support the relevant conventions in a more tangible manner, by having watching briefs in

	matters before court should they not be a party to proceedings. CA should become party to proceedings and contribute to preventative measures, enforcement requirements etc
Spain	Excellent
Switzerland	Nous consultons le Guide ponctuellement en cas de nécessité.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	Not used by ICACU
United Kingdom (Northern Ireland)	no individual comments but good reference guide.
United Kingdom (Scotland)	Useful
United States of America	The USCA finds all of the guides to good practice to be extremely helpful. The USCA uses the guides to help inform our policy decisions. The USCA also uses the guides as a common ground when discussing issues with other central authorities. Referring to relevant portions of the guides to good practice is always helpful in starting or focusing a dialogue on a specific issue. Finally, the guides to good practice have been referenced in U.S. Supreme Court decisions in the United States.
Uruguay	
Venezuela	Conviene a reforzar la comunicación entre las Autoridades Centrales.

#### b. Part II on Implementing Measures.

Argentina	This Guide is not very much used in the routine of the Central Authority
Australia	As above, Australia is an established Central Authority and has significant experience implementing the Convention.
Belgium	Peu utilisé
Brazil	
Bulgaria	
Canada	See response under (a)
Chile	
China (Hong Kong SAR)	See (a) above.
China (Macao SAR)	Information contained in this part is useful with a reference value. It is suggested that the information be provided in various languages, including Chinese, so as to facilitate the practical operation of the 1980 Convention.
Colombia	In Colombia we have made use of great part of this guide to write a service lineament
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	no comment
El Salvador	
Estonia	
Finland	-
France	Cf réponse à la question 54. a.

Georgia	See above
Germany	Part II is addressed to the legislator. The German implementing legislation in our view complies with recommendations of the Guide. In particular there is concentrated jurisdiction and limitation to one appeal.
Honduras	
Iceland	
Israel	
Italy	very useful
Jamaica	
Japan	Referenced as necessary in processing individual cases.
Latvia	Was very helpful developing national legislation.
Lithuania	
Montenegro	
New Zealand	
Panama	Possible communications have been made between the central authorities at the request of the courts for children and adolescents during the restitution process with the intention of making practical and legal arrangements necessary for the safe return of the child. These arrangements are preferably provided before the restitution order is issued.
Peru	
Poland	n/a
Portugal	No comments
Singapore	
Slovakia	
South Africa	
Spain	Excellent
Switzerland	Nous consultons le Guide ponctuellement en cas de nécessité.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	no individual comments but good reference guide
United Kingdom (Scotland)	Useful
United States of America	Please see response to Question 54(a).
Uruguay	
Venezuela	Se estima asegurar el cumplimiento de las medidas decretadas.

### c. Part III on Preventive Measures.

Argentina	This Guide is not very much used by the judges in their rulings though we encourage its application
Australia	Australia actively works with local and international law enforcement and other authorities as well as with courts to reduce where possible the incidence of wrongful removal or retention of children. The ACA also raises awareness of international parental child abduction through various channels such as websites and publications. The ACA's website <a href="http://www.ag.gov.au/childabduction">www.ag.gov.au/childabduction</a> contains a significant amount of

	information to assist people whether they are considering wrongfully removing their child from Australia, or fear the other parent might, or a child has already been wrongfully removed or retained.
<b>Belgium</b>	Peu utilisé
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	See response under (a)
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	See (a) above.
<b>China (Macao SAR)</b>	Information contained in this part is useful with a reference value. It is suggested that the information be provided in various languages, including Chinese, so as to facilitate the practical operation of the 1980 Convention.
<b>Colombia</b>	In Colombia we have made use of great part of this guide to write a service lineament
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	no comment
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	-
<b>France</b>	Cf réponse à la question 54. a.
<b>Georgia</b>	See above
<b>Germany</b>	Part III has been translated into German by the German Central Authority and made available to the Hague Conference in order to post it on the HCCH website. The German CA is continuously developing together with the Hague liaison judges and other authorities involved a form for the judicial decision on prohibition for the abducting party from removal of the child from the jurisdiction and then issuing a travel ban.
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	Where possible the methods in the Guide are adapted into practice. For example, parents who contact the ICA concerning a fear of abduction are told to consult with an attorney concerning the possibility of obtaining a no-exit order from the court. Further, parents who contact the ICA concerning the legality of moving abroad with their child are told to consult with an attorney, in an effort to prevent an abduction.
<b>Italy</b>	very useful
<b>Jamaica</b>	
<b>Japan</b>	Referenced as necessary in processing individual cases.
<b>Latvia</b>	Is very helpful for the judges of concentrated jurisdiction and helpful to develop domestic legislation.
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	During the visits made by the parent who has requested for return, precautionary measures have been taken to prevent the child from being illegally removed again. Follow-ups are carried out with members of the

	<p>interdisciplinary team to know how the child is doing, who is guaranteed all his or her rights. That we are not subjected to any mistreatment.</p> <p>Measures have been taken before allowing a transfer, permits for the departure of children abroad declaring their habitual residence in the Republic of Panama, a date of return is required and the minor must be presented to the Court to be certified in order to be aware of compliance with the orders issued.</p> <p>The cooperation of non-issuance of passports or documents has been requested through the central authority when minors have more than one nationality.</p>
Peru	
Poland	n/a
Portugal	No comments
Singapore	
Slovakia	
South Africa	
Spain	Excellent
Switzerland	Nous consultons le Guide ponctuellement en cas de nécessité.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	no individual comments but good reference guide
United Kingdom (Scotland)	<p>Central Authority Useful</p> <p>Judiciary This is well written guidance and has been of assistance in this jurisdiction.</p>
United States of America	Please see response to Question 54(a).
Uruguay	
Venezuela	Resulta necesario decretarlas en tiempo oportuno

#### d. Part IV on Enforcement.

Argentina	This Guide is not very much used by the judges in their rulings though we encourage its application.
Australia	Australia has a successful enforcement regime in place. With appropriate mechanical orders included in return orders, it is unusual for the ACA to have to return to court to seek enforcement of a return order.
Belgium	Peu utilisé
Brazil	<p>- Co-operation with Interpol to locate the child, in case they disappear after the return order is issued, - Retention of passports is always asked to the Court when the case is filed, - The BCA works to inform judges about the importance of an expedite decision in the higher courts when a return order is pending an appeal decision. - Help to expedite the issuance of travel documents, when necessary, - Co-operation between different bodies to ensure the safety of the child, - When possible, the BCA helps providing a psychologist to assist at the time of the return.</p>
Bulgaria	

<b>Canada</b>	See response under (a)
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	See (a) above.
<b>China (Macao SAR)</b>	Information contained in this part is useful with a reference value. It is suggested that the information be provided in various languages, including Chinese, so as to facilitate the practical operation of the 1980 Convention.
<b>Colombia</b>	In Colombia we have made use of great part of this guide to write a service lineament
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	no comment
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	-
<b>France</b>	Cf réponse à la question 54. a.
<b>Georgia</b>	See above
<b>Germany</b>	Part IV on enforcement has been fully implemented by legislation and practice in Germany. Judges do however retain some discretion in applying the relevant domestic enforcement provisions to the individual case. Enforcement is a key topic on a regular basis at the judicial conferences for specialised Hague judges in Germany which are organised twice a year by the German Central Authority. At these conferences bailiffs and judges reported on their experiences and needs concerning the enforcement of Hague return orders. Legislatively, in difference to domestic law, Hague decisions by higher courts are enforced by these courts instead of lower enforcement courts. Enforcement is carried out ex officio.
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	The ICA encompasses, to the extent possible, the practices in the Guide, both in its work and in its joint work with the relevant authorities (police, social services) in endeavouring to ensure that return orders are executed as swiftly as possible.
<b>Italy</b>	very useful
<b>Jamaica</b>	
<b>Japan</b>	Referenced as necessary in processing individual cases.
<b>Latvia</b>	Was very helpful developing national legislation and guidelines.
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	No comments
<b>Singapore</b>	
<b>Slovakia</b>	



South Africa	
Spain	Excellent
Switzerland	Nous consultons le Guide ponctuellement en cas de nécessité.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	no individual comments but good reference guide
United Kingdom (Scotland)	Central Authority Useful Judiciary This is well written guidance and has been of assistance in this jurisdiction.
United States of America	Please see response to Question 54(a).
Uruguay	
Venezuela	Se debe aplicar todas las herramientas necesarias, para cumplir con el fin último del Convenio.

#### e. Part V on Mediation

Argentina	This Guide is not very much used by the judges in their rulings. However it has been taken into consideration where the Pilot Project for the Implementation of Mediation for the Application of International Child Abduction Conventions was designed.
Australia	As previously mentioned, the Federal Circuit and Family Court of Australia recently introduced a new procedure involving convening a Court based Family Dispute Resolution (FDR) Conference with a Registrar of the Court's Dispute Resolution Service in all 1980 Convention matters. This is an ADR process that takes place in 3 parts, is run by an experienced Family Law mediator, and attempts to resolve or narrow the issues in both the Convention matter and substantive parenting issues. The Family Court of Western Australia has recently offered judge led mediation.
Belgium	Peu utilisé
Brazil	
Bulgaria	
Canada	See response under (a)
Chile	
China (Hong Kong SAR)	See (a) above.
China (Macao SAR)	Information contained in this part, especially the Chinese translation, is useful with a reference value.
Colombia	In Colombia we have made use of great part of this guide to write a service lineament
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	no comment
El Salvador	
Estonia	
Finland	-
France	Cf réponse à la question 54. a.

Georgia	See above
Germany	
Honduras	
Iceland	
Israel	
Italy	very useful
Jamaica	
Japan	Referenced as necessary in processing individual cases.
Latvia	Is being frequently use by the Latvian Central Authority.
Lithuania	
Montenegro	
New Zealand	The Guide to Good Practice in Mediation" is an important tool for all Convention States to promote amicable dispute resolution in Hague abduction cases."
Panama	this is the first approach as central authority always keeping the best interest of the minor
Peru	
Poland	n/a
Portugal	No comments
Singapore	
Slovakia	
South Africa	
Spain	Excellent
Switzerland	Nous consultons le Guide ponctuellement en cas de nécessité.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	no individual comments but good reference guide
United Kingdom (Scotland)	
United States of America	Please see response to Question 54(a).
Uruguay	
Venezuela	Intensificar las técnicas de resolución de conflictos.

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

Argentina	This Guide is very useful because many of the cases we receive involve violence, so we encourage the judges to apply the solutions of this document
Australia	Australian case law demonstrates that Australian courts adhere to the principles contained in the 13(1)(b) Guide to Good Practice.
Belgium	Le Guide pratique est utilisé régulièrement en vue d'éclairer les autorités nationales sur la mise en œuvre de l'article 13.  Il est également utilisé pour la formation des nouveaux membres de l'Autorité centrale.
Brazil	
Bulgaria	

Canada	See response under (a)
Chile	
China (Hong Kong SAR)	See (a) above.
China (Macao SAR)	Information contained in this part is useful with a reference value. It is noted that this part is provided in various languages but not in Chinese, so it is suggested to include its Chinese version.
Colombia	In Colombia we have made use of great part of this guide to write a service lineament
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	no comment
El Salvador	
Estonia	
Finland	-
France	Cf réponse à la question 54. a.
Georgia	See above
Germany	
Honduras	
Iceland	
Israel	The Guide was distributed to the judiciary in Israel. Courts have specifically referred to and applied the Guide in relevant cases. The ICA has further brought the Guide to the attention of practitioners
Italy	very useful
Jamaica	
Japan	Referenced as necessary in processing individual cases.
Latvia	Is very helpful for the judges of concentrated jurisdiction and practitioners (lawyers).
Lithuania	We use the information and advice of this part of practice guide in providing the conclusions for the Courts considering the child abduction cases and for the training of our staff. The Courts considering the child abduction cases as we know as well uses and cite the provisions of Guide of Good Practice.
Montenegro	
New Zealand	
Panama	Law 285 15 february 2022 creates the Guaranty system and integral protection of the minors rights
Peru	
Poland	n/a
Portugal	No comments
Singapore	
Slovakia	
South Africa	
Spain	Excellent
Switzerland	Nous consultons le Guide ponctuellement en cas de nécessité.
Türkiye	
Ukraine	

<b>United Kingdom (England and Wales)</b>	Judiciary - The Guides to Good Practice are used and referred by judges dealing with cases of alleged child abduction under the 1980 Hague, in particular the Guide on Article 13(1)(b).
<b>United Kingdom (Northern Ireland)</b>	no individual comments but good reference guide
<b>United Kingdom (Scotland)</b>	Central Authority Useful Judiciary This excellent guidance has been of particular assistance in this jurisdiction
<b>United States of America</b>	Please see response to Question 54(a).
<b>Uruguay</b>	Recently, it 's 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.
<b>Venezuela</b>	Verificar las situaciones que presuntamente se denuncian, para aplicar la excepción solo en el caso que resulte comprobable.

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

<b>Argentina</b>	This Guide is not very much used by the judges in their rulings though we mention it in our cover letter.
<b>Australia</b>	As mentioned above, Australia only provides mediation in incoming access requests.
<b>Belgium</b>	Il est utilisé pour la formation des nouveaux membres de l'Autorité centrale.
<b>Brazil</b>	
<b>Bulgaria</b>	
<b>Canada</b>	See response under (a)
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	See (a) above.
<b>China (Macao SAR)</b>	It is useful with a reference value. It is suggested that the information be provided in various languages, including Chinese, so as to facilitate the practical operation of the 1980 Convention.
<b>Colombia</b>	In Colombia we have made use of great part of this guide to write a service lineament
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	no comment
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	-
<b>France</b>	Cf réponse à la question 54. a.
<b>Georgia</b>	See above
<b>Germany</b>	
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	The ICA makes efforts to help resolve cases on an amicable basis where possible.
<b>Italy</b>	very useful

<b>Jamaica</b>	
<b>Japan</b>	Referenced as necessary in processing individual cases.
<b>Latvia</b>	Not used very frequently.
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	No comments
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	
<b>Spain</b>	Excellent
<b>Switzerland</b>	Nous consultons le Guide ponctuellement en cas de nécessité.
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	
<b>United Kingdom (Northern Ireland)</b>	no individual comments but good reference guide
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	Please see response to Question 54(a).
<b>Uruguay</b>	
<b>Venezuela</b>	Evaluar cada caso en particular, atendiendo siempre el Interés Superior del NNA.

**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?**

<b>Argentina</b>	The Central Authority includes the guidelines at the time of initiating the processes in order to provide dissemination and allow their use by all the parties involved in the process.
<b>Australia</b>	Relevant agencies are aware of, and have access to, the Guides through the HCCH website.
<b>Belgium</b>	Diffusion des informations relatives au guide pratique auprès des personnes impliquées dans la gestion des demandes spécifiques.
<b>Brazil</b>	Information on the Guide of Good Practices is generally included on legal petitions of the Office of the Attorney General, directed to the Judges. The BCA is analysing the possibility of translating Parts I-IV of the Guide to Good Practices - Child Abduction Convention to portuguese, in order to make its language available to all Brazilian practioners, academia and individuals.
<b>Bulgaria</b>	we do training with Local authorities
<b>Canada</b>	All Canadian CAs and Canadian IHNJ judges are aware of the resources on the HCCH website.  The website of the Ministère de la Justice du Québec provides links to all the Guides to Good Practice.
<b>Chile</b>	

<b>China (Hong Kong SAR)</b>	The relevant authorities in our jurisdiction are well aware of and have access to the Guide to Good Practice posted on HCCH's websites. Their attention is also drawn to the relevant parts when seminars/lectures are conducted for them.
<b>China (Macao SAR)</b>	The Central Authority of the Macao SAR shares such information to the relevant authorities, including the Procuratorate, the courts and the police, etc..
<b>Colombia</b>	The Colombian Institute of Family Welfare as Central Authority has been totally open to socializing and training the administrative and judicial authorities of the country
<b>Costa Rica</b>	It´s an obligation of the judge to get to know this instruments.
<b>Cyprus</b>	Relevant information and links to the HCCH website is available at the Ministry's website.
<b>Czech Republic</b>	N/A
<b>Denmark</b>	On the Central Authority's website there is a link to Guide to Good Practice: <a href="https://english.boernebortfoerelse.dk/rules/legislation">https://english.boernebortfoerelse.dk/rules/legislation</a>
<b>Dominican Republic</b>	
<b>Ecuador</b>	Central Authority Ecuador, provides the information corresponding to the International Restitution process to all institutions.
<b>El Salvador</b>	
<b>Estonia</b>	Sent out information to courts and other judicial and administrative institutions who it is useful for.
<b>Finland</b>	-
<b>France</b>	<p>Les autorités compétentes bénéficient de formations par les membres de l'autorité centrale française (cf question 52), qui diffuse également par ses sites intranet et internet de nombreuses informations sur l'application de la Convention de 1980 et renvoient à la documentation élaborée par la Conférence de La Haye.</p> <p>L'autorité centale française est en cours de rédaction d'un guide de bonnes pratiques interne destiné aux autorités françaises compétentes.</p>
<b>Georgia</b>	Some of the Guide to Good Practice is being translated into Georgian language and is disseminated among the judges and other representatives of the relevant state authorities, as well as the general public.
<b>Germany</b>	In the course of the judges conference (see 52) the participants are made aware of the existence of and the way to access to the Guides to Good Practices.
<b>Honduras</b>	Currently Honduras State through of the UTECH/DINAF as Central Authority is working at the public policys to ensure the general knowledge of the 1980 Convention and the documents of the Convention with the good practices guide. As well, we are making close up with the relevant authorities to create spaces for debats and capacitation regarding the application of this Convention to the officers who works in those intitutions.
<b>Iceland</b>	
<b>Israel</b>	The relevant authorities with whom the ICA works in implementing the Convention and executing its obligations are guided and instructed by the ICA, in accordance with the principles of the Guide to Good Practice and where relevant are provided with the guides. In addition, the ICA's website is undergoing a revision which will include a link to the Guides to Good Practice.
<b>Italy</b>	informing on the giudes and spreading the principles during training sessions, consultations or informal discussions among judges, public prosecutors and lawyers

<b>Jamaica</b>	
<b>Japan</b>	The Guides are widely known by the courts, Ministry of Justice, lawyers, and others. A link to the HCCH Guides to Good Practice is available on the Ministry of Foreign Affairs website.
<b>Latvia</b>	Through website and social media of the Central Authority: <a href="https://www.tm.gov.lv/lv/bernu-prettiesiska-aizvesanaaizturesana">https://www.tm.gov.lv/lv/bernu-prettiesiska-aizvesanaaizturesana</a> .
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	In the first instance, since 2005, the judicial body has reproduced the first guides to good practice on the application of the 1980 Convention so that all judges of children and adolescents could receive them in paper version. The guides of good practices of mediation, execution and cross-border contact have been made known through the seminars held by the Judicial School, today called the Higher Institute of the Judiciary of Panama, with the collaboration of the regional office of the Hague Conference and the Liaison Judges.
<b>Peru</b>	It has been disseminated to judicial and prosecutorial authorities, providing the most important references for implementation within the international Return and Access process. The links are also referred to in the lawsuits.
<b>Poland</b>	As the Guide to Good Practice is available on <a href="http://www.hcch.net">www.hcch.net</a> , it has not been further promoted. However, the PCA informs judges and other authorities of its availability on a case-by-case basis, if necessary.
<b>Portugal</b>	sim
<b>Singapore</b>	
<b>Slovakia</b>	Education and training of judges and other relevant authorities in Slovakia falls within the competence of Ministry of Justice of the Slovak Republic. Ministry of Justice places important information on its website and also send information to Central Authority and the courts
<b>South Africa</b>	Website information. The latter requires updating.
<b>Spain</b>	
<b>Switzerland</b>	Nous avons informé les tribunaux, autorités de l'exécution et experts de notre réseau.
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	No action taken, available on Hague website
<b>United Kingdom (Northern Ireland)</b>	Refer them online to appropriate sections
<b>United Kingdom (Scotland)</b>	Judiciary IHNJs all have access to this.
<b>United States of America</b>	Please see our reply in Question 57.
<b>Uruguay</b>	
<b>Venezuela</b>	En determinado momento, fueron remitidos a los Circuitos Judiciales de Protección de NNA ejemplares de tale Guías.



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

Argentina	
Australia	
Belgium	/
Brazil	Not at the present moment.
Bulgaria	no
Canada	
Chile	
China (Hong Kong SAR)	We do not have any other comments about any Part of the Guide to Good Practice.
China (Macao SAR)	No comment.
Colombia	We don't have any
Costa Rica	None
Cyprus	
Czech Republic	No
Denmark	No.
Dominican Republic	
Ecuador	no comment
El Salvador	
Estonia	
Finland	-
France	L'autorité centrale française n'a pas de remarques à formuler.
Georgia	Not applicable.
Germany	
Honduras	
Iceland	
Israel	
Italy	No
Jamaica	
Japan	
Latvia	Keep up with the good work!
Lithuania	No.
Montenegro	
New Zealand	
Panama	NO
Peru	No
Poland	n/a
Portugal	No comments
Singapore	
Slovakia	No
South Africa	
Spain	
Switzerland	-
Türkiye	
Ukraine	No

United Kingdom (England and Wales)	Not used by ICACU
United Kingdom (Northern Ireland)	no
United Kingdom (Scotland)	
United States of America	Please see our reply in Question 57.
Uruguay	
Venezuela	No.

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*<sup>21</sup> to assist in improving the practical operation of the 1980 Convention in your State?

Argentina	We haven't used the Practitioner's Tool
Australia	We have not used this tool.
Belgium	Pas encore utilisé
Brazil	
Bulgaria	
Canada	The Practitioners' Tool has been shared with all the Canadian CAs and the Canadian IHNJ judges. It does not seem to have had an impact on the practical operation of the Convention in Canada.
Chile	
China (Hong Kong SAR)	The Practitioner's Tool is newly released and we have yet to come across any case which concerns recognition and enforcement of family agreements.
China (Macao SAR)	No comment.
Colombia	We don't make use of this tool
Costa Rica	
Cyprus	
Czech Republic	N/A
Denmark	
Dominican Republic	
Ecuador	Has not been used.
El Salvador	
Estonia	
Finland	-
France	Compte tenu de l'expérience qu'elle avait déjà acquise dans l'application de la convention, l'Autorité centrale française a pu s'appuyer sur cet outil pour conforter sa pratique de mise en oeuvre de ladite convention.
Georgia	Not applicable
Germany	
Honduras	
Iceland	
Israel	The ICA is currently reviewing the Practitioner's Tool.
Italy	Not yet

<sup>21</sup> The *Practitioner's Tool* is available at the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section" then "Guides to Good Practice".

Jamaica	
Japan	
Latvia	
Lithuania	We have not used it yet
Montenegro	
New Zealand	
Panama	as Central Authority, we fulfill and request all necessities action for a good application to the Hague Convention
Peru	The Good Practice Guide is a very useful tool for compliance with the 1980 Hague Convention, as it illustrates solutions and how to act in the different situations that arise in international child abduction matters.
Poland	n/a
Portugal	Within the framework of the powers of the Central Authority, the PCA takes into account the Guide
Singapore	
Slovakia	
South Africa	
Spain	By the moment to be disseminated between legal practitioners
Switzerland	Nous avons informé les tribunaux, autorités de l'exécution et experts de notre réseau.
Türkiye	
Ukraine	
United Kingdom (England and Wales)	Practitioners - Links on website and Good Practice Guide
United Kingdom (Northern Ireland)	We have not had to use the Practitioners tool so cannot provide further comment
United Kingdom (Scotland)	Judiciary None
United States of America	To help ensure that parents, lawyers, mediators and other interested stakeholders are aware of, and have access to, the Practitioner's Tool, the USCA provides links to the Hague Permanent Bureau's Section on Child Abduction on the USCA's website, which includes all of the Guides to Good Practice.
Uruguay	
Venezuela	Con el uso de las técnicas de resolución de conflictos, se ha permitido lograr acuerdos que permitan el contacto transfronterizo, siendo una de las herramientas más utilizadas las Tecnologías de la Información y Comunicación

## Other

58. What other measures or mechanisms would you recommend:

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

Argentina	We believe that this type of tool, such as surveys in which States Parties to the Convention can share their experiences in relation to the 1980 Hague Convention, is very useful, and it would be useful to do so on a regular basis.
Australia	Greater utilisation of the 1996 Convention or informal arrangements between State Parties to enable follow up of children's welfare post return.

<b>Belgium</b>	
<b>Brazil</b>	Encouraging a closer co-operation between Central Authorities in exchanging information regarding the cases and ensuring safeguards and undertakings will be complied with.
<b>Bulgaria</b>	
<b>Canada</b>	The Special Commission should remain the principal multilateral mechanism to review and to improve the operation of the Convention. Between Special Commission meetings, Contracting Parties should be encouraged to engage in bilateral or multilateral discussions amongst States concerned whenever issues regarding the operations of the 1980 Convention arise.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Setting up an independent office competent to review the practical operation of the Convention and to deal with reports of suspected serious violations of Convention obligations may be considered as necessary.
<b>China (Macao SAR)</b>	No comment.
<b>Colombia</b>	We need a field of mediation of the PB between Central authorities for specific cases
<b>Costa Rica</b>	
<b>Cyprus</b>	
<b>Czech Republic</b>	
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	Report of annual or monthly activities to the Central authorities
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	Especially obtaining detailed information on statistics can be challenging as the Finnish Central Authority's statistical system is not as detailed as required to fill the statistical forms.
<b>France</b>	La Conférence de La Haye propose déjà de nombreux outils et forums pour assurer le bon fonctionnement de la Convention de 1980. Ces outils doivent être investis par les Etats adhérents (mise à jour des informations notamment) et pourraient gagner à être mieux connus des autorités centrales et praticiens.
<b>Georgia</b>	Not applicable
<b>Germany</b>	
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	<p>1) In the ICA's experience, two of the most serious issues affecting the operation of the Convention are excessive delays in judicial proceedings and difficulties in enforcement of return orders. Israel suggests that further in-depth studies be conducted on these two issues, in order to identify the roots of the problems and consider how they can be dealt with. The statistical analysis that will be presented by Professor Lowe at the upcoming Eight Special Commission will provide an excellent basis for determining the types of delays and difficulties in enforcement, the States in which they are occurring and whether they are systemic. Consideration could then be given to setting up a further expanded study, perhaps by survey/questionnaire, including an examination of the legislative frameworks in contracting states, in order to determine how States can be encouraged to address these problems.</p> <p>2) The ICA suggests that consideration be given to establishing additional</p>

	regional offices of the HCCH. It notes the extensive work being done by the two regional offices in promoting understanding and uniformity in the application of the Convention in those regions and monitoring the operation of the Convention. The ICA has found it very beneficial, for example when it was able to contact and consult with the representative for ROLAC with respect to difficulties that it was experiencing in the region. In addition, in reviewing the Conclusions and Recommendations of the last Inter-American meeting of Central Authorities and Network Judges, the ICA notes that many of the issues that arose are the same issues that arise in other regions. It could therefore be beneficial, in order to monitor the operation of the Convention in other regions and to seek solutions, to consider establishing offices with representatives in those areas. Having such monitoring and such meetings through regional offices together with training seminars would greatly supplement Special Commission meetings, which take place only every 4-5 years.
Italy	No idea: collection of data on a regular basis seems to be a well operating tool
Jamaica	
Japan	
Latvia	
Lithuania	To make more often the surveys and to publish the results. It can help identify the weak areas and difficulties in operating the Convention.
Montenegro	
New Zealand	- ensure that regular meetings are held to review the practical operation of the Convention by contracting States and that the results of those audits are publicly available.
Panama	Educational service for a better understanding of all articles
Peru	
Poland	n/a
Portugal	none
Singapore	
Slovakia	
South Africa	
Spain	
Switzerland	-
Türkiye	
Ukraine	The Questionnaire could be evaluated with the aim to monitor the narrow topics of concerns in the operation of the 1980 Convention. This will allow to determine the issues of concerns in the period between the SC meetings.
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	no comment
United Kingdom (Scotland)	
United States of America	We find the Permanent Bureau's technical assistance extremely valuable, specifically regional conferences, international conferences, and the work of the regional offices.
Uruguay	
Venezuela	Se sugiere tomar un espacio en la Conferencia de la Haya, para que de forma afable y con carácter reflexivo a los Estados Partes, se evite la discrecionalidad en la aplicación del convenio.

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

<b>Argentina</b>	We believe that training through face-to-face and virtual meetings with the different Central Authorities would be very enriching.
<b>Australia</b>	
<b>Belgium</b>	
<b>Brazil</b>	Providing information on the social background of the child at the State of habitual residence, Encouraging a closer co-operation between Central Authorities in exchanging information regarding the cases in a timely manner
<b>Bulgaria</b>	
<b>Canada</b>	States party to the 1980 Convention are responsible for ensuring the proper interpretation and application of the 1980 Convention via their administrative and judicial organs. To assist them, consideration should be given to twinning CAs within a region for mentoring purposes. States might also be encouraged to strategically identify small-scale networking opportunity to discuss issues, share information about their legal systems (going beyond the Country Profile Form) and problem-solve to improve how their mutual Hague cases are managed. The Regional Offices could facilitate such opportunities.
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	Facilitating regular meetings of Central Authorities through seminars and conferences for sharing views and discussing problems relating to operation.
<b>China (Macao SAR)</b>	No comment.
<b>Colombia</b>	We need a field of mediation of the PB between Central authorities for specific cases
<b>Costa Rica</b>	trainings constantly.
<b>Cyprus</b>	
<b>Czech Republic</b>	Consistent training of judges, return proceedings cannot be conducted as proceedings regarding custody, it is not possible to prefer own citizens in the return proceedings.
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	Training to staff of central authorities.
<b>El Salvador</b>	Énfasis a los estados partes sobre la colaboración que debe proporcionarse entre las autoridad centrales en virtud del art. 7 del Convenio.
<b>Estonia</b>	
<b>Finland</b>	The Finnish Central Authority wishes to encourage active discussion with the States that have challenges in meeting their Convention obligations.
<b>France</b>	Les ressources mises à disposition par la Conférence de La Haye constituent une base importante pour confronter la pratique des Etats aux obligations de la Convention. Des réunions d'échanges de bonnes pratiques pourraient également être mises en place, notamment lorsque des difficultés apparaissent dans la coopération entre deux Etats. En pratique, certains Etats prennent cette initiative.
<b>Georgia</b>	Not applicable
<b>Germany</b>	Trainings of the relevant stakeholders involved, particularly the judges hearing Hague cases as well as staff from Central Authorities, Youth Welfare Offices, Police, Lawyers, etc. have been proven to be an effective tool not only in Germany but also in other states to foster the meeting of

	Convention obligations. Those trainings were implemented in the past in the framework of projects of e.g. the EU or the German Foundation for International Legal Cooperation.
<b>Honduras</b>	A closer accompanied from the local or regional offices in order to have more capacitation and the possibility of advisory by such offices officer or experts designed by them in order to elaborate, writing and creation of special laws in the application to the 1980 and 1996 Conventions.
<b>Iceland</b>	
<b>Israel</b>	<p>1) Maximum use should be made of the twinning program, to assist Central Authorities, including newer ones, to gain knowledge and understanding of the operation of the Convention through experienced States, and to assist them in fulfilling their obligations under Article 7, including in their work vis-à-vis other authorities/intermediaries in their States.</p> <p>2) Where needed, judicial training seminars/conferences should be conducted to increase understanding of the Convention (in accordance with the points raised in response to question 6 above.</p> <p>3) The ICA continues to encounter difficulties in some contracting states, which result in delayed enforcement, or no enforcement at all. Such difficulties include:</p> <p>a) In some states the Central Authority considers its duties to have ended with the pronouncing of the order for return and takes the position that they have no role in the enforcement proceedings and no role in maintaining contact with the authorities responsible for execution. As set out in questin 13 above, the position of the ICA is that the case does not end with the issuing of a Judgment for the return but rather with the execution of the Judgment, and that even where under a Contracting State's system/legislation the execution is entrusted to other authorities, the Central Authority still has a duty to provide information concerning the execution process and to continue to remain involved until the order is executed.</p> <p>b) orders for return that merely state that the child is to be returned, without setting out the terms for the return such as an exact return date, who is to pay for the flight ticket, who is to accompany the child, etc. As a result there is sometimes confusion/disagreement as to the terms, and can necessitate the obtaining of a more detailed order, which can cause delay.</p> <p>c) In some contracting States, in order to enforce a return order the left-behind parent must apply to a separate enforcement court, in which the taking parent can in effect raise the same claims in opposition that were already rejected by the court in the Hague Convention proceeding and possibly prevent the return. This lengthy and complicated process not only contravenes the provisions of the Convention but defeats its very purpose.</p> <p>d) In some contracting States, if the return order is forwarded to an enforcement court for enforcement and the child himself/herself objects to the enforcement, the enforcement court can then decide not to enforce the return order, even when the court hearing the return application heard the child's objections and determine that they are not sufficient to constitute a defence under Article 13(2) of the Convention.</p> <p>e) In some contracting States, if the taking parent does not comply with the order for return, the only option available to the left-behind parent is to file a complaint with the police in that country so that criminal proceedings against that parent can be considered by the prosecution authorities. The prosecution authorities then have discretion as to</p>



	<p>whether they will institute such proceedings. The very possibility of having the prosecution authorities determine whether or not they will enforce a final order of return issued by a competent court contravenes the provisions and purpose of the Convention.</p> <p>Carrying out the expanded study suggested above would hopefully assist in identifying where the difficulties are occurring, provide practical examples of how enforcement can be promptly and efficient carried out, and encourage States to make necessary changes to their systems.</p>
Italy	No idea
Jamaica	
Japan	
Latvia	
Lithuania	As often as possible to organize the events in order the States could share the experience and good practice, ask the questions and get new ideas on improvement of their operation.
Montenegro	
New Zealand	#NAME?
Panama	share good practice between all Central Authorities
Peru	
Poland	n/a
Portugal	none
Singapore	
Slovakia	
South Africa	
Spain	
Switzerland	-
Türkiye	
Ukraine	<p>We suppose that in the period of time between the SC meetings could be arranged under the auspices of PB HCCH to consider certain topics or issues that appear in regard to application of the Convention due to the available resources (1 or 2 times between the meetings of SC).</p> <p>During the meetings the actual topics could be discussed.</p>
United Kingdom (England and Wales)	<p>Judiciary - The following issues about the operation of the 1980 Hague would merit further discussion at the Special Commission:</p> <p>(a) The question of the inter-relationship between the 1980 Hague and the international and regional human rights instruments relevant to the issue of child abduction, in particular the UN Convention on the Rights of the Child, the European Convention on Human Rights and the Inter-American Convention on Human Rights (in the light of the decision by the UN Committee on the Rights of the Child in June 2022 that Chile had violated the rights of a six-year-old boy with autism when its Supreme Court decided to return the child to Spain without assessing his best interests: Chile CRC/C/90/D/121/2020).</p> <p>(b) The question of the operation of Art 13(b) in the context of concerns expressed by NGOs and advocacy groups regarding the impact of Art 13(b) in cases of alleged domestic abuse and coercive and controlling behaviour, and the possibility of a data gathering exercise to evidence the outcomes for children who have been returned following a rejection of the Art 13(b) defence.</p> <p>(c) The need to ensure that judges making decisions under the 1980 Hague Convention have easy access to clear and reliable information</p>

	<p>regarding the availability and enforceability of protective measures upon return (in the light of the decision of the US Supreme Court in <i>Golan v Saada</i> (20-1034 <i>Golan v. Saada</i> (06/15/2022) that a court is not categorically required to examine all possible ameliorative measures before denying a Hague Convention petition for return of a child to a foreign country once the court has found that return would expose the child to a grave risk of harm).</p> <p>(d) Possible mechanisms for increasing the availability of information on protective measures in the requesting jurisdiction for use by judges determining applications under the 1980 Hague Convention as there is currently very limited such information in the country profiles.</p> <p>(e) The interrelationship between the 1980 Hague Convention and the asylum laws of Contracting States in the light of the decision of the UKSC in <i>G v G</i> (see their reasoning at question 3) and the decision of the Court of Appeal of Ontario in <i>AMRI v KER</i> [2011] ONCA 417 (<a href="https://www.incadat.com/en/case/1067">https://www.incadat.com/en/case/1067</a>) (to the effect that Hague Convention proceedings meet the obligation of non-refoulement by fairly examining the question of whether the risk of persecution persists, with the child's refugee status creating a rebuttable presumption of risk of harm for the purposes of Art 13(b)).</p> <p>(f) The possibility of draft guidance to assist in the application of the 'child objection' exception under Art 13 of the 1980 Hague Convention</p>
United Kingdom (Northern Ireland)	no comment
United Kingdom (Scotland)	Judiciary At Hague Conference level, regular training and education of judges
United States of America	See answer to 58(a).
Uruguay	
Venezuela	

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

Argentina	Periodic surveys carried out in the different States and specifically oriented to this type of issue.
Australia	
Belgium	Considérer la possibilité de donner au Bureau Permanent la compétence pour investiguer sur les manquements invoqués.
Brazil	
Bulgaria	
Canada	The authorities of the States involved are the best placed to evaluate whether serious violations of the Convention have occurred. If a State is not meeting its obligations, it is up to the other Contracting party to raise the issue through its CA and/or diplomatic channels. If the problem is systemic, it is likely that a number of States will have encountered similar difficulties. States having a common interest could then work together and with the non-compliant State in resolving the problem.
Chile	
China (Hong Kong SAR)	same as (a).
China (Macao SAR)	No comment.
Colombia	We need a field of mediation of the PB between Central authorities for specific cases
Costa Rica	receiving a note with allegations from the Central Authorities to the Secretary
Cyprus	

<b>Czech Republic</b>	Some decisions are not correct, but the applicant often does not have the means and knowledge to use the available legal tools to change the decision, proceedings at the European Court of Human Rights are lengthy and do not have any effective result.
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	Report of annual or monthly activities to the Central authorities
<b>El Salvador</b>	
<b>Estonia</b>	
<b>Finland</b>	-
<b>France</b>	Il peut être intéressant de mener une réflexion sur la mise en œuvre d'un système de médiation par le bureau permanent ou par un autre état en qualité d'amiable compositeur pour permettre un dialogue sur les difficultés d'application de la Convention, avec des pratiques et interprétations divergentes du mécanisme de retour selon les pays, qui mettent à mal la coopération. Un groupe de travail pourrait être instauré.
<b>Georgia</b>	The encouragement of the dialogue and cooperation between the two states by the Hague Conference on Private International Law.
<b>Germany</b>	Although the Permanent Bureau has no mandate to monitor compliance it may serve as a central collecting point for individual complaints and may consider to attempt to resolve eventual disputes.
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	put CAs in the position to report gross infringements
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	- Any serious violations of Convention obligations would be reported to the relevant country's Central Authority.
<b>Panama</b>	again, sharing live cases will help determine the best application of the Hague Convention
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	none
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	
<b>Spain</b>	
<b>Switzerland</b>	-
<b>Türkiye</b>	
<b>Ukraine</b>	The monitoring of the issues could be arranged by the proposition to the CAs to inform for example once per year about the issues that the CA has concerns if any.
<b>United Kingdom (England and Wales)</b>	
<b>United Kingdom (Northern Ireland)</b>	no comment

United Kingdom (Scotland)	
United States of America	We believe that it is for Contracting States to address and resolve implementation concerns directly with each other. The Permanent Bureau facilitates this process by providing for communication among the Contracting States.
Uruguay	
Venezuela	Reforzar las relaciones internacionales

### 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:

Argentina	So far, all the States parties with whom we usually interact are part of the Convention.
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	Canada encourages all States that are not party to the 1980 Convention to consider putting into place the basic requirements of the Convention (i.e. setting-up a functioning CA, adopting procedural rules to facilitate the expeditious treatment of applications and the enforcement of return orders and, where necessary in their State, adopting legislation giving effect to the Convention) and becoming party to it. Canada is not in a position to consider acceptance of a State's accession before full legal and operational effect has been given to the Convention in that State. Acceding States should be encouraged to complete the Standard Questionnaire for newly acceding States and the Country Profile. In particular, Canada would encourage Egypt, Lebanon, Saudi Arabia, India, China and the United Arab Emirates to consider becoming party to the Convention.
Chile	
China (Hong Kong SAR)	We have no particular recommendations at this stage.
China (Macao SAR)	No comment.
Colombia	We suggest that middle eastern countries be included on the convention example: Arab Emirates and Catar
Costa Rica	
Cyprus	
Czech Republic	China, India
Denmark	
Dominican Republic	
Ecuador	no comment
El Salvador	
Estonia	We have had a couple potential cases with for example with Egypt and United Arab Emirates.
Finland	According to the Finnish Ministry for Foreign Affairs statistics, annually most of the cases are to Iraq. Even though Iraq has acceded the Hague

	1980 Child Abduction Convention, the Convention is not in force between Iraq and Finland. Due to before said, cases to Iraq are challenging to solve and authorities means to assist are very limited. In principle, the amicable solution between the parents is the only way getting the child to return back to his/her country of residence. Hopefully in the future Iraq shall take all appropriate measures to ensure the achievement of the purpose and the goals of the Convention.
France	L'autorité centrale française souhaite favoriser l'adhésion des Etats d'Afrique, notamment francophone, ainsi que l'Egypte. Certains de ces Etats entretiennent en effet des liens économiques et sociaux privilégiés avec la France, avec d'importants flux de circulation des populations générant des cas de déplacement illicites d'enfants. Enfin, l'autorité centrale française souhaiterait voir adhérer le Vietnam, pays avec lequel il existe des échanges et une circulation de population qui génèrent des situations de déplacement illicites d'enfants.
Georgia	In general, the increasing number of the contracting states will facilitate the better application of the 1980 Hague Convention in practice. In order to encourage the ratification/accession of the Convention, it is advisable to hold more meetings/workshops/seminars or conferences between contracting states and non-contracting states with regard to the practical operation of the 1980 Hague Convention.
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	China, India, as we had a reports of children abducted to these countries but were not able to assist in these matters. However, we assume that the national regulation of parental responsibility of these countries may be very different from EU and other contacting countries, so the operation of Convention in these countries could have serious challenges.
Montenegro	
New Zealand	
Panama	N/A
Peru	This depends on the sovereignty of each state.
Poland	n/a
Portugal	The PCA has no competence in this matter.
Singapore	
Slovakia	
South Africa	
Spain	
Switzerland	-
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	N/A

United Kingdom (Scotland)	
United States of America	The United States views the Convention as one of the best available tools for preventing and addressing international parental child abduction. The USCA encourages all countries that have the ability to successfully implement the Convention to accede to or ratify the Convention.
Uruguay	
Venezuela	No.

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:

Argentina	We do not see the need to include a particular State, although we believe that the inclusion of new countries will contribute to strengthening the international community's commitment to the international return of children.
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	Same list as for 59.
Chile	
China (Hong Kong SAR)	We have no particular recommendations at this stage.
China (Macao SAR)	No comment.
Colombia	None
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	no comment
El Salvador	
Estonia	
Finland	There are no specific countries, that the MFA would wish to access to Convention. The Finnish MFA has so few cases to the non-convention countries.
France	
Georgia	Not applicable.
Germany	
Honduras	
Iceland	
Israel	
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	

Montenegro	
New Zealand	
Panama	N/A
Peru	For the time being, no
Poland	n/a
Portugal	The PCA has no competence in this matter.
Singapore	
Slovakia	
South Africa	
Spain	
Switzerland	-
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	N/A
United Kingdom (Scotland)	
United States of America	The United States would welcome the attendance at the Special Commission of any State that is seriously considering becoming party to the Convention.
Uruguay	
Venezuela	Libia y el Líbano



The “Malta Process”<sup>22</sup>

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:

Argentina	
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	No suggestion at this time.
Chile	
China (Hong Kong SAR)	We do not have any suggestions.
China (Macao SAR)	No comment.
Colombia	None
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	No comment
El Salvador	
Estonia	Referring to EU reply.
Finland	-
France	Il pourrait être utile de réfléchir aux moyens de systématiser le recours à la médiation dans le cadre des déplacements illicites d'enfants, aux différents stades de la procédure, dans le cadre d'un échange de bonnes pratiques qui pourraient mener à des recommandations.
Georgia	Within the framework of the Malta process, it is important to consider issues that are challenging under the provisions of 1980 and 1996 Hague Conventions. For instance, the application of 1996 Hague Convention in child abduction cases, mediation within the framework of 1980 Hague Convention, the strengthening of cooperation with countries where Sharia laws apply, and the realization of the right of access to the child by the left-behind parent and etc.
Germany	
Honduras	
Iceland	
Israel	The ICA has a very positive view of the Malta Process as an excellent forum for ongoing discussion and development of good practices and as a platform for both Convention and non-Convention countries to come together and learn about the challenges and possible solutions available through the various instruments when handling crossborder family

<sup>22</sup> 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](http://www.hcch.net) under “Child Abduction Section” then “Judicial Seminars on the International Protection of Children”.

	conflicts, taking into account the possible challenges posed by the different legal systems. The ICA strongly supports the continuation of the Malta Process as an additional process to develop and strengthen the ICA's knowledge and as a way in which to encourage the development of the necessary domestic structures.
Italy	
Jamaica	
Japan	
Latvia	
Lithuania	No suggestions
Montenegro	
New Zealand	
Panama	no at the moment
Peru	
Poland	n/a
Portugal	none
Singapore	
Slovakia	
South Africa	
Spain	
Switzerland	-
Türkiye	
Ukraine	
United Kingdom (England and Wales)	
United Kingdom (Northern Ireland)	N/A
United Kingdom (Scotland)	
United States of America	If it is to continue, the United States hopes that the Malta Process focuses on encouraging new countries to become party to the conventions.
Uruguay	
Venezuela	

#### 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:

Argentina	
Australia	Australia would welcome a discussion of the Guide to Good practice on Art 13(1)(b) and how the principles contained within the Guide are operating in Member States. Australia would appreciate an opportunity to discuss the subject of coercive abuse and coercive control", as this is becoming more of an issue in the cases that Member States are handling

	under the 1980 Child Abduction Convention. It may be that the inclusion of this subject with any discussion about the Art 13(1)(b) Guide would be appropriate. "
<b>Belgium</b>	
<b>Brazil</b>	<ol style="list-style-type: none"> <li>1. Differences related to the enforcement of foreign court decisions.</li> <li>2. Disputes over the application of the 1980 Convention after the travel authorization period has expired.</li> <li>3. Difficulty in obtaining information and guidance in cases involving suspected violence against a minor.</li> <li>4. Difficulties related to countries that do not provide free legal assistance.</li> <li>5. Difficulties with countries whose central authority closes the procedure without a judicial decision.</li> </ol>
<b>Bulgaria</b>	
<b>Canada</b>	<p>- Means to ensure that Hague return proceedings remain focused the narrow issue of the return of the child and not expand into custody issues involving a whole best interests of the child analysis, - Means to facilitate the actual return of children and the enforcement of return orders, including undue delays associated with this, - The practice of some requested States that require the presence of the left-behind parents during legal proceedings, - Art. 21.</p>
<b>Chile</b>	
<b>China (Hong Kong SAR)</b>	We do not have any comments.
<b>China (Macao SAR)</b>	No comment.
<b>Colombia</b>	<ol style="list-style-type: none"> <li>1. Countries with the reservation to free legal assistance</li> <li>2. Countries with reservation to the international regulation of visits</li> <li>3. Countries that do not comply the art 7</li> </ol>
<b>Costa Rica</b>	Refugee cases /Opinion of the minor
<b>Cyprus</b>	
<b>Czech Republic</b>	The one-year period for initiation return proceedings (article 12 of the Convention) seems to be too long, especially for young children who easily the used to a new environment.
<b>Denmark</b>	
<b>Dominican Republic</b>	
<b>Ecuador</b>	no comment
<b>El Salvador</b>	La aplicación del art. 15 del Convenio relacionada a la decisión o una certificación que acredite que el traslado o retención del NNA era ilícito en el sentido previsto en el artículo 3 del Convenio.
<b>Estonia</b>	The return of Ukrainian children when the request parent is also abroad in a different country. The habitual residence of the child might still be in Ukraine. Where to return the child?
<b>Finland</b>	Currently, the situation related to Ukraine and Russia concerns us.
<b>France</b>	<p>L'Autorité centrale française propose que les questions particulières suivantes puissent être abordées :</p> <ul style="list-style-type: none"> <li>- Le respect des délais dans les procédures de retour</li> <li>- L'échange de bonnes pratiques quant à la formation des acteurs judiciaires nationaux à la Convention de 1980, notamment au caractère subsidiaire et limitatif des exceptions au retour (tels que l'existence d'un "risque pénal" dans le pays de la résidence habituelle) et à l'organisation de mesures provisoires pour faciliter le retour</li> <li>- L'exécution des décisions de retour</li> <li>- Les situations dans lesquelles une décision au fond sur le droit de garde est prise dans l'Etat d'origine peu après le déplacement et avant la décision quant au retour dans l'Etat de refuge (notamment les intérêts</li> </ul>

	<p>et risques de ces situations lorsque la décision au fond est susceptible d'influencer défavorablement la décision quant au retour dans l'Etat de refuge)</p> <ul style="list-style-type: none"> <li>- Les situations dans lesquelles coexistent procédure civile visant au retour et procédure pénale s'agissant de l'enlèvement parental (notamment les intérêts et les risques de ces situations compte tenu de l'absence de synergie entre les différents acteurs impliqués et les procédures distinctes engagées au civil et au pénal, ainsi que de l'influence que peut exercer la procédure pénale sur la procédure civile de retour)</li> <li>- L'articulation entre les dispositions de la Convention de 1980 et l'application du droit d'asile (législation et pratiques dans la communication aux autorités centrales des décisions accordant le bénéfice du droit d'asile, jurisprudence des Etats-partis à la Convention quant à la caractérisation de l'illicéité du déplacement de l'enfant et quant à la mise en œuvre des exceptions au retour d'un enfant reconnu bénéficiaire du droit d'asile)</li> <li>- L'échange de bonnes pratiques quant à l'organisation de l'assistance au retour du parent ravisseur et de l'enfant, en favorisant notamment la saisine du juge du fond dans l'Etat de la résidence habituelle de l'enfant dès son retour</li> <li>- Les pratiques de la médiation dans les procédures de retour</li> <li>- Le traitement des demandes de communication des pièces et données personnelles contenues dans les dossiers d'enlèvements internationaux d'enfants (échange de pratiques).</li> </ul>
<b>Georgia</b>	1) The clarification of the "grave risk" exception, the term of habitual residence and the best interest of the child 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, 4) Sharing best practice with regard to the mediation within the framework of 1980 Hague Convention."
<b>Germany</b>	
<b>Honduras</b>	Yes, the lack of access to a free legal representation for the applicant with low resources.
<b>Iceland</b>	
<b>Israel</b>	<p>1) Delays at various stages, including: Central Authority stage, locating of children stage, judicial proceedings. (see above)</p> <p>2) Lack of and/or difficulties in enforcement of orders for return (see above)</p> <p>3. Securing of legal representation in order to initiate proceedings for return. (see above)</p>
<b>Italy</b>	Only Authorities competent to issue a binding decision, and not CAs under article 27, should assess and declare whether the conditions provided for articles 12 and 13 of the Convention are met
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	No
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	No

<b>Peru</b>	Coordination and capacity building among signatory countries on good practices among signatory countries.
<b>Poland</b>	n/a
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	(i) Countries (particularly in Africa) which have acceded to The Hague Convention should be encouraged to ratify it based on innovative incentives. (ii) The Hague Conference should have at least 2 Offices in Africa to promote the work of The Hague Conference; for The Hague Conference to be visible in Africa where there is a reluctance to accede to or ratify The Hague Convention (Child Abduction).
<b>Spain</b>	
<b>Switzerland</b>	Art. 21 - droits de visite Communication et collaboration efficaces entre autorités centrales
<b>Türkiye</b>	
<b>Ukraine</b>	Application of Article 13 1 (b) - the ground for refusal to return because of war 1 - year period established by Article 12 for refusal to return the child and formal approach to this period Removal and retention under the 1980 Convention. The scope and the issues of application.
<b>United Kingdom (England and Wales)</b>	ICACU - No. Practitioners - Enforcement of return orders made in other jurisdictions - (in England and Wales the High Court Tipstaff can enforce a collection order made by the court, while other jurisdictions often have no mechanism), Enforcement of undertakings - how to ensure that where there is a breach of undertakings given to the court in England and Wales (to enable a safe return) any breach means the undertakings are enforced in the country to which the child has been returned. Public funding to be available in jurisdictions abroad in the same way as in England and Wales, that is to say non means and non merits tested legal aid for the left behind parent. Enforcement of access orders.
<b>United Kingdom (Northern Ireland)</b>	none
<b>United Kingdom (Scotland)</b>	Central Authority Enforcement of return orders Judiciary Procedures for avoiding delay in judicial proceedings Protective Measures The effectiveness of Family Agreements
<b>United States of America</b>	<ul style="list-style-type: none"> <li>We would welcome an opportunity to share best practices and better understand capabilities of other countries for abduction prevention. Such topics might include law enforcement authorities and engagement, exit controls, and passport requirements. Since time is limited, we do not believe it would be useful to discuss relocation cases. The United States would be interested in having bilateral meetings during the SC meeting. We estimate we would be interested in meeting with 10-15 other States and appreciate the SC meeting allowing dedicated time to hold these meetings</li> <li>Improving enforcement, especially of return orders (i.e., accelerating the timeline for enforcing a return order/streamlining and expediting enforcement proceedings, including when parties must return to court to obtain a separate enforcement order after a return has been ordered, including actionable instructions to law enforcement, etc.),</li> <li>Discussing the impact of COVID on case processing (including central authority operations and expanded opportunities for participation in virtual court hearings), and what measures could be maintained as best practices,</li> </ul>

	<ul style="list-style-type: none"> <li>• If topics will include discussing refugee status, please ensure discussions will exclusively focus on impacts on the 1980 and 1996 Conventions.</li> </ul>
Uruguay	<p>- 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.</p> <p>- 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."</p>
Venezuela	

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

Please specify:

Argentina	
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	
Chile	
China (Hong Kong SAR)	We have no particular suggestion at the moment.
China (Macao SAR)	No comment.
Colombia	none
Costa Rica	There are some issues with some Central Authorities regarding their role with the Convention and sometimes appear to be contrary to it. So it would be good to periodically organize training or updates to the Agreement. Or periodic meetings between Central Authorities to discuss issues. Also, the courts in some countries do not seem to be aware of the scope of the Convention and request information from the Central Authorities, which is delaying the process. This situation is a bit worrying.
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	no comment
El Salvador	
Estonia	-

Finland	-
France	
Georgia	Not applicable
Germany	
Honduras	
Iceland	
Israel	
Italy	No
Jamaica	
Japan	
Latvia	
Lithuania	No
Montenegro	
New Zealand	
Panama	No at the moment
Peru	
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	
Spain	
Switzerland	-
Türkiye	
Ukraine	<p>Taking into account the challenges that Ukraine faced during the last year and because of ongoing war we consider that the SC should pay attention to the issue of the family abduction in this circumstances as well as all the benefits which could be gained from the Abduction Convention`s mechanism of prompt return of the displaced children.</p> <p>The Hague Child Abduction Convention is universally accepted instrument that serve to the purpose of the child`s return in the cases of the family child abduction, including during and after armed conflicts.</p> <p>The common solution and approach should be followed in order to grant the applicants the possibility to use the benefits of the Child Abduction Convention`s instruments to be sure that the return application could be submitted as soon as the war the period of temporary protection for people fled from the war ends.</p>
United Kingdom (England and Wales)	No
United Kingdom (Northern Ireland)	none
United Kingdom (Scotland)	
United States of America	
Uruguay	
Venezuela	



## 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:

Argentina	
Australia	6
Belgium	
Brazil	
Bulgaria	
Canada	Probably between 5 and 10 meetings.
Chile	
China (Hong Kong SAR)	
China (Macao SAR)	No comment.
Colombia	1. Spain, so we can look for options to strengthen communication.
Costa Rica	
Cyprus	
Czech Republic	
Denmark	Turkey Bulgaria Marrokko Italy
Dominican Republic	
Ecuador	no comment
El Salvador	
Estonia	-
Finland	1 (Ukraine)
France	L'autorité centrale française souhaiterait rencontrer 6 à 8 pays dans le cadre de réunions bilatérales.
Georgia	2
Germany	07/09/2023
Honduras	
Iceland	
Israel	10
Italy	2
Jamaica	
Japan	
Latvia	In general Latvia would be interested but currently there is no need for bilateral meetings.
Lithuania	02/03/2023
Montenegro	
New Zealand	
Panama	yes
Peru	Pl ease insert text here
Poland	n/a
Portugal	
Singapore	
Slovakia	
South Africa	

Spain	
Switzerland	Probablement entre 5 et 10 États. Toutefois, de notre expérience la plupart des réunions bilatérales peuvent se faire en marge de la réunion (pendant les pauses, à midi ou le soir) donc le besoin d'organiser des réunions plus formelles sera limité.
Türkiye	
Ukraine	Yes. In particular Spain
United Kingdom (England and Wales)	ICACU finds the bilaterals immensely useful and would estimate (as at March 2023) perhaps requesting meetings with three or four other Central Authorities. This is subject to change nearer the meeting.
United Kingdom (Northern Ireland)	0
United Kingdom (Scotland)	
United States of America	The United States would be interested in having bilateral meetings during the SC meeting. We estimate we would be interested in meeting with 10-15 other States and appreciate the SC meeting allowing dedicated time to hold these meetings
Uruguay	1
Venezuela	

#### 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:

Argentina	
Australia	
Belgium	
Brazil	
Bulgaria	
Canada	
Chile	
China (Hong Kong SAR)	We do not have any comments at this stage.
China (Macao SAR)	No comment.
Colombia	none
Costa Rica	
Cyprus	
Czech Republic	
Denmark	
Dominican Republic	
Ecuador	no comment
El Salvador	
Estonia	-
Finland	-
France	
Georgia	Not applicable.

<b>Germany</b>	The following topics are inter alia considered to be worth discussing in more detail: - Implementing measures such as limitation of remedies and concentrated jurisdiction - Legal aid and the role of the CAs - Agreements and arrangements - Separation of the child from primary care taker - Interaction between 1980 HC and 1996 HC
<b>Honduras</b>	
<b>Iceland</b>	
<b>Israel</b>	
<b>Italy</b>	
<b>Jamaica</b>	
<b>Japan</b>	
<b>Latvia</b>	
<b>Lithuania</b>	
<b>Montenegro</b>	
<b>New Zealand</b>	
<b>Panama</b>	N/A
<b>Peru</b>	
<b>Poland</b>	n/a
<b>Portugal</b>	
<b>Singapore</b>	
<b>Slovakia</b>	
<b>South Africa</b>	
<b>Spain</b>	
<b>Switzerland</b>	-
<b>Türkiye</b>	
<b>Ukraine</b>	
<b>United Kingdom (England and Wales)</b>	
<b>United Kingdom (Northern Ireland)</b>	no comment
<b>United Kingdom (Scotland)</b>	
<b>United States of America</b>	Please see response to Question 63.
<b>Uruguay</b>	
<b>Venezuela</b>	