

# Questionnaire concerning the Practical Operation of the 1980 Child Abduction Convention

Wherever responses to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1980 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

<b>Name of State or territorial unit:<sup>1</sup></b>	Sweden
<i>For follow-up purposes</i>	
Name of contact person:	
Name of Authority / Office:	
Telephone number:	
E-mail address:	
Date:	

## PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

### Recent developments in your State<sup>2</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  
 Yes

Please specify:

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

2. Following the Covid-19 pandemic,<sup>3</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;

Our Central Authority accepts applications and accompanying documentation transmitted by electronic means. However, we did that even before the Covid-19 pandemic.

- b) Participation of the parties and the child (e.g., appearance in court proceedings, mediation);  
To our knowledge there are no guidelines etc, but there is more frequent use of participation by video nowadays.

- c) Promoting mediation and other forms of amicable resolution;  
Please insert text here

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<sup>1</sup> The term “State” in this Questionnaire includes a territorial unit, where relevant.

<sup>2</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”).

<sup>3</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.

- d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;  
Please insert text here
- e) Obtaining evidence by electronic means;  
See the answer above under question 2b), which also goes for witnesses
- f) Ensuring the safe return of the child;  
Please insert text here
- g) Cooperation between Central Authorities and other authorities;  
Our Central Authority has in some complex cases had a video meeting with other Central Authorities to facilitate the cooperation.
- h) Providing information and guidance for parties involved in child abduction cases;  
Our Central Authority has in some complex cases had a video meeting with the applicant parent to discuss his/her case and clarify the options available to him/her.
- i) Other, please specify.  
Please insert text here

3. Please provide the three most **significant decisions concerning the interpretation and application of the 1980 Convention** rendered since the 2017 SC by the relevant authorities<sup>4</sup> in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
NJA 2019 s 704	Supreme Court	Third and last instance	There has only been one case that went to the last instance since the 2017 SC. In this case, the Supreme Court rejected the father's request of the return of a child to Belgium. The Court established that the child's habitual residence by the time of the claimed wrongful retention was Sweden. Therefore, the Supreme Court concluded that the father's request of return of the child was to be rejected.
Ä 3970-22	Svea Court of Appeal	Second instance	In this case, the Stockholm District Court (first instance) refused the return of the child. The applicant father were at the time of the proceedings in the District Court domiciled in Ukraine. The District Court assessed that a return to Ukraine would put the child in an intolerable situation. The father appealed the decision and leave to appeal was granted. The Svea Court of Appeal (second instance) decided to order the return of the child to the father, since the father now was domiciled in Poland.

<sup>4</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.

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

Please insert text here

**Issues of compliance**

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

- No
- Yes

Please specify the challenges encountered:  
 There are a few countries where we have repeatedly experienced challenges of similar kind, i.e. the length of the court proceedings.

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

- No
- Yes

Please specify:  
 There are a number of State Parties that do not apply the six week-rule in the majority of the cases.

**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>5</sup> in order to identify possible sources of delay and implement the adjustments needed to secure shorter time frames consistent with Articles 2 and 11 of the Convention. Please indicate any identified sources of delay at the following phases:

**Central Authority**

- No
- Yes
- Procedure not yet revised

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

Please insert text here

**Judicial proceedings**

- No
- Yes
- Procedure not yet revised

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<sup>5</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, 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.”

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

Please insert text here

### Enforcement

- No  
 Yes  
 Procedure not yet revised

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

### Mediation / ADR

- No  
 Yes  
 Procedure not yet revised

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

Please insert text here

### Court proceedings and promptness

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

- No  
 Yes

Please specify:

Sweden has mechanisms in order to handle return decisions within six weeks. The six weeks rule is implemented in the Swedish domestic legislation.

There is a limited number of judicial authorities who can hear return applications under the 1980 Convention. As the first instance, the District Court of Stockholm has exclusive jurisdiction regarding cases in accordance with the Convention. The decision may be appealed to the second instance, Svea Court of Appeal. Thereafter, the decision may be appealed to the Supreme Court. Leave to appeal is required for both the second and third instance.

9. If the response to question 8 above is “No”, does your State contemplate implementing mechanisms to meet the requirement of prompt return under the 1980 Convention (e.g., procedures, bench-books, guidelines, protocols)?

- No  
 Please specify:  
 Please insert text here  
 Yes  
 Please specify:  
 Please insert text here

10. Do the courts in your State make use of direct judicial communications<sup>6</sup> to ensure prompt proceedings?
- No  
 Yes  
 Please specify:  
 The Swedish Hague Network Judge has through direct judicial communication with a colleague Hague Network Judge assisted in one or two cases in accordance with the Brussels II Regulation.
11. If your State has not designated a judge to the International Hague Network of Judges (IHNJ) does your State intend to do so in the near future?
- No  
 Yes  
 Please specify:  
 Please insert text here
12. Please comment upon any cases ( where your State was the requested State) in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge or other authority in the requesting State regarding the issue of the child’s safe return. What was the specific purpose of the communication? What was the outcome?

In general, the parties themselves provide the relevant information for the case.

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

### In general

13. Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in Contracting Parties with which your State has cooperated?
- No  
 Yes  
 Please specify:  
 Please insert text here
14. Has your Central Authority encountered any challenges with the application of **any of the 1980 Convention provisions**? If so, please specify.
- No  
 Yes  
 Please specify:  
 Please insert text here

### 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?

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<sup>6</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*”.

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

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>7</sup>

- No  
 Yes  
 Please specify:  
[In some cases it has been shown financially difficult for left behind parents to pursue with the matter to court due to the limited legal aid in the other country.](#)

### Locating the child

17. Has your Central Authority encountered any **challenges with locating children** in cases involving the 1980 Convention, either as a requesting or requested State?

- No  
 Yes  
 Please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:  
[In most cases we do not experience any challenges with locating the child. However, with regard to a few State Parties, we have experienced challenges in the requested country in locating the child, despite the fact that information has been provided.](#)

### Voluntary agreements and bringing about an amicable resolution of the issues

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

[The Swedish Central Authority always offers to send the taking parent a voluntary letter, if this is not contrary to the expressed will of the applicant. In general, the taking parent will be asked to respond within 10 days.](#)

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>8</sup>)?

Please specify:

<sup>7</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”.

<sup>8</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”.

Please insert text here

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:

Our Central Authority only sends voluntary letters. However, once return proceedings have been initiated, the Court generally offers to assist the parties in reaching an agreement. Before making a decision on return, the Court may assign someone from the social services or another suitable person to endeavour to bring the person looking after the child to voluntarily fulfil his or her obligations. Such instructions may only be given if this is likely to lead to the child being surrendered without unnecessarily delaying the processing of the case.

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>9</sup>

No

Please explain:

Please insert text here

Yes

Please explain:

Please insert text here

### Ensuring the safe return of children<sup>10</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:

In general, the parties themselves provide the relevant information for the case to the Court.

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

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

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

No

Yes

Please specify:

The Social Services in each municipality are the competent authorities to assess the needs of each child in their municipality. Upon receiving a request for information or report from the other country, our Central Authority would forward the request to the competent local authority in accordance with the 1996 Hague Child Protection Convention or the Brussels IIb Regulation.

<sup>9</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.

<sup>10</sup> See Art. 7(2)(h) of the 1980 Convention.

### Information exchange, training and networking of Central Authorities

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

- No  
 Yes

Please specify:

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

Our Central Authority also attends meetings within the European Judicial Network, where the application of the Brussels IIb Regulation and the 1980 Hague Convention is discussed with Central Authorities in other European Union member states.

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

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

- No  
 Yes

Please specify and share the relevant instruments whenever possible:

The Swedish Central Authority has established routines for the prompt handling of these cases, including voluntary return letters and facilitating contacts with lawyers. Moreover, the transition to an electronic case management system has facilitated the case administration.

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

- No  
 Yes

Please specify:

Please insert text here

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>12</sup>

- No  
 Yes

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

Please insert text here

<sup>11</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 8).

<sup>12</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.

**Transfrontier access / contact<sup>13</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
- Yes

Please specify:

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

- No
- Yes

Please specify:

[Please insert text here](#)

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>14</sup>

- No
- Yes

Please specify:

[We have had one case where another state party refused an Article 21 request due to the fact that there was no existing decision on access, i.e., that state meant that for the Article 21 to be applicable, there needs to be an existing decision concerning access.](#)

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

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

<sup>13</sup> See C&R Nos 18-20 of the 2017 SC.

<sup>14</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.”

	<input type="checkbox"/> 10. Other, please specify:  <p style="text-align: center;">Please insert text here</p>
<p>A request of assistance to organise or secure effective exercise of rights of access <b>in your State</b> (as requested State)</p>	<input checked="" type="checkbox"/> 1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State <input type="checkbox"/> 2. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input type="checkbox"/> 3. Assistance in providing or facilitating the provision of legal aid and advice <input checked="" type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input checked="" type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 6. Regular updates on the progress of the application <input checked="" type="checkbox"/> 7. Other, please specify: <p>Our Central Authority can, if the applicant wishes, assist in initially contacting the other parent through a voluntary letter. If both parties are interested in a voluntary solution, our Central Authority informs them of the co-operation talks offered by social services and may refer them to the right Authority.</p> <p>Should a voluntary agreement not be feasible and the applicant want to obtain legal counsel to proceed to Court, our Central Authority could assist in initially contacting a family lawyer in of the applicant's choice.</p>

32. Should your State also be a Contracting Party to the 1996 Convention, are you aware of any use being made of **provisions of the 1996 Convention**, including those under Chapter V, **in lieu of or in connection with an application under Article 21** of the 1980 Convention?

- No
- Yes

Please specify:

We have some examples of questions about the possibility to use either or both Article 26 in the 1996 Convention and Article 21 in the 1980 Hague Convention in both incoming and outgoing cases concerning access.

### 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:

The child’s present situation and the views of the child on the subject of return.

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

- No  
 Yes

Please specify:

There are no specific guidelines concerning child abduction cases, however, there are general rules and guidelines for seeking the views of the child.

## Article 15

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

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

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

- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always

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

Please indicate:

In incoming cases:

If only some information is missing in an incoming application, we inform the requesting Central Authority of what additional information is required. However, while waiting for that information we may proceed with the existing application by, for example, initiate efforts to try to locate the child.

If a lot of information is missing, we request the additional information before we start to process the application. If the application for example lacks information about the child and/or the abducting parent that makes it impossible for our Central Authority to locate them and/or even confirm that they are in fact in Sweden, it has to be completed before we can start processing it.

In outgoing cases:

If information is missing in an outgoing application, we contact the applicant or his/her lawyer and ask for the additional information or documents. Moreover, we often recommend the applicant at an initial stage to, if needed, get the application documents translated into an accepted language of the requested state, since the process otherwise might be delayed while waiting for translations to be finished. If there is a country that we know may start locating the child upon application in English even though translation in the local language will be needed in a court process, we may send the application in English and ask for location of the child while awaiting translations into the local language.

38. Considering C&R No 7 of the 2017 SC,<sup>15</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:  
Please insert text here

### Relationship with other International Instruments on human rights

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

- No  
 Yes

If possible, please share any relevant case law or materials that are relevant to this type of situation in your State or, alternatively, a summary of the situation in your State:

In very few cases we have seen that the Hague return procedure has been delayed or paused due to a migration process concerning the minor.

- Do not know

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

- No  
 Yes

Please provide comments:

### Use of the 1996 Convention<sup>16</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**)

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

<sup>15</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."

<sup>16</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"](#).

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>17</sup>

- No  
 Yes

Please specify:

If we receive such a request from another state that is a Party to the 1996 Convention, our Central Authority would assist in forwarding the request to the relevant local social services.

If we would receive a request from, for instance, Swedish Social Services, our Central Authority would assist in forwarding the request to the other state in accordance with the 1996 Convention. However, we have not seen such requests in connection with cases under the 1980 Hague Convention.

### 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:

The Court is the competent authority to decide whether or not Article 13 of the Convention is applicable on a case-by-case basis. The Swedish Central Authority does not keep data on the reasons for refusal in accordance with Article 13.

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:

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

Also, to secure the safe return of the child, cooperation, exchange for information and protection measures could be requested in accordance with the Brussels IIb Regulation and the 1996 Hague Child Protection Convention.

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

- No  
 Yes

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

<sup>17</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.)

Fråga Nadia! Om inte relevant, ta inte med. An incoming request for enforcement of protective measures would be handled in accordance with the 1996 Hague Convention if the other state is a Party to the 1996 Convention.

In regard to non-parties to the 1996 Convention the Swedish Central Authority would upon receipt contact the relevant social services and inform them of the situation.

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

No

Yes

Please specify:

Please insert text here

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

No

Yes

Please specify:

N/A

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

No

Yes

Please specify:

When a child is to be returned to the requesting state, the Swedish Central Authority would ask the Central Authority in the requesting state for confirmation that the child has actually been returned to that state. If a parent in Sweden or a social authority wishes further information, or wishes authorities in the other state to assess the need to take measures to protect the child, a request in accordance with the Brussels IIb Regulation or the 1996 Hague Convention may be made and the Swedish Central Authority would assist in forwarding such request to the other state.

### International family relocation<sup>18</sup>

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

Yes

Please describe such procedures, if possible:

Please insert text here

No

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

<sup>18</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."

Please insert text here

### Publicity and debate concerning the 1980 Convention

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

- No  
 Yes

Please indicate the outcome of this debate or discussion, if any:

It happens that cases are subject to media attention and publicity. Recently, measures available to Swedish authorities in terms of preventing wrongful removal of children have been subject to media attention.

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

Please explain:

The Swedish Central Authority has made a pamphlet with information about wrongfully removed children and the Convention. The pamphlet, together with more information is to be found on the government's website. Please see the English version on the following link: <http://www.government.se/information-material/2016/06/children-who-are-wrongfully-removed-or-retained-in-another-country/>

## PART II – TRAINING, EDUCATION AND POST-CONVENTION SERVICES

### Training and education

52. Please provide below details of any training sessions / conferences organised in your State to support the effective functioning of the 1980 Convention, and the influence that such sessions / conferences have had:

Please provide details:

The Swedish Central Authority has annual meetings with the competent Swedish courts in matters of common interest (The District Court of Stockholm and the Svea Court of Appeal).

The Swedish Central Authority also participates in different events and trainings with relevant Swedish authorities (for example police/prosecutors and social services) regarding matters related to the 1980 Convention, the 1996 Child Protection Convention and the Brussels IIb Regulation. This improves the understanding of each others responsibilities and makes cooperation easier.

### The tools, services and support provided by the PB

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

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

Very useful.

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

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

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

This tool is rarely used by the Swedish Hague Network Judges.

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

Very useful.

- e. Providing technical assistance and training to Contracting Parties regarding the practical operation of the 1980 (and 1996) Conventions. Such technical assistance and training may involve persons visiting the PB or, alternatively, may involve the PB (including through its Regional Offices) organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;

We understand that regional trainings have been held, but we have not participated so we cannot comment on that. We have however participated in the Malta process where we have very much appreciated the involvement of the PB. Moreover, we very much appreciated the digital conference on the 1980 and 1996 Conventions in relation to Ukraine in January 2023.

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<sup>20</sup> Available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section" and "Judges' Newsletter on International Child Protection". For some volumes of *The Judges' Newsletter*, it is possible to download individual articles as required.

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

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

- 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.

The contact details are very much appreciated.

- 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.

Please insert text here

- 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.

The Swedish Central Authority has addressed the PB in a few matters seeking clarification and has received swift responses, which is much appreciated.

#### **Guides to Good Practice under the 1980 Convention**

- 54. For any of the Guides to Good Practice<sup>22</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.

Please insert text here

- b. Part II on Implementing Measures.

Please insert text here

- c. Part III on Preventive Measures.

Please insert text here

- d. Part IV on Enforcement.

Please insert text here

- e. Part V on Mediation

Please insert text here

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

Please insert text here

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

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<sup>21</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.

<sup>22</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".

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

### **Other**

58. What other measures or mechanisms would you recommend:

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

Please insert text here

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

From the Swedish Central Authority we believe that efforts ought to be put on assisting states to meet the six weeks time frame.

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

Please insert text here

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<sup>23</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".

## PART III – NON-CONVENTION STATES

59. Are there any States that you would particularly like to see become a Contracting Party to the 1980 Convention? If so, what steps would you suggest could be taken to promote the Convention and encourage ratification of, or accession to, the Convention in those States?

Please explain:

Please insert text here

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

Please indicate:

Please insert text here

### The “Malta Process”<sup>24</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:

The Swedish Central Authority very much appreciated the previous Conference, and welcomes a Fifth Malta Conference.

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<sup>24</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”.

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

### **Views on priorities and recommendations for the SC**

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

Please specify and list in order of priority if possible:

The Swedish Central Authority believes that better compliance with the six weeks rule is crucial to secure the purpose of the Convention and avoid further harm for the child.

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

Please specify:  
Please insert text here

### **Bilateral meetings**

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

Please insert number:  
Approximately three States that are contracting parties to the Convention.

### **Any other matters**

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

Please provide comments:  
Please insert text here