

Questionnaire concerning the Practical Operation of the 1980 Child Abduction Convention

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

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

PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

Recent developments in your State²

1. Since the 2017 SC, have there been any significant developments in your State regarding the **legislation or procedural rules** applicable in cases of international child abduction? Where possible, please state the reason for the development and the results achieved in practice.

- No
 Yes

Please specify:

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

¹ The term "State" in this Questionnaire includes a territorial unit, where relevant.

² This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction which have occurred in your State since the Seventh Meeting of the Special Commission (SC) to review the operation of the 1980 Abduction Convention and the 1996 Child Protection Convention (held from 10 to 17 October 2017) ("2017 SC").

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 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.sexties 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.

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.

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).

2. Following the Covid-19 pandemic,³ have there been any **improvements** that have remained in your State in the following areas, in particular in relation to the **use of information technology**, as a result of newly adopted procedures or practices applicable to child abduction cases? In each case, please describe the tools, guidelines or protocols put in place.

a) Methods for accepting and processing return and access applications and their accompanying documentation;

No

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

No

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

- c) Promoting mediation and other forms of amicable resolution;
No
- d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;
No
- e) Obtaining evidence by electronic means;
No
- f) Ensuring the safe return of the child;
No
- g) Cooperation between Central Authorities and other authorities;
No
- h) Providing information and guidance for parties involved in child abduction cases;
No
- i) Other, please specify.

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.

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

Case Name	Court Name	Court Level	Brief summary of the ruling
Amparo appeal number 2937/2015	Constitutional Court	Extraordinary appeal	Judgement Constitutional Court numer 16/2016, 1 st 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

⁴ The term “relevant authorities” is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1980 Convention. Whilst in the majority of Contracting Parties such “authorities” will be courts (i.e., judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

			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.
Number of appeal 2327/2018	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
Please insert text here	Please insert text here	Please insert text here	Please insert text here

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

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.

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".

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 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.

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:

Lack of enforcement of return orders

Lack of information and extreme delays to obtain a decision

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:

Return denied under article 12 when less than a year has passed.

Addressing delays and ensuring expeditious procedures

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

Central Authority

- No
 Yes
 Procedure not yet revised

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

[Please insert text here](#)

Judicial proceedings

- No
 Yes
 Procedure not yet revised

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

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

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

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 IIb has implemented a new legal system with broader terms and we will see how it operates in the near future.

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:

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).

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:

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.

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:

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 immediate enforcement of the judgment, with the assistance of the social services and the Security Forces and Corps.

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.

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

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

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

- No
 Yes
 Please specify:

According to art. 778.quater.7, 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

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

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".

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?

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.

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:

In contracting parties:

- Enforcement of return orders
- Localization of minors

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?

- No
 Yes

Please specify:

US: delays in obtaining legal representation

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

- No
 Yes

Please specify:

Germany: excessive paperwork and requirements causes delays

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

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

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

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:

A voluntary return letter is sent by the CA. There is a stage of judicial return procedure during which an agreement is sought.

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

Please specify:
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:
Please insert text here

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

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

Ensuring the safe return of children¹⁰

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

Please explain:
Through the requesting State Central Authority

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

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

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

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:

[Please insert text here](#)

Information exchange, training and networking of Central Authorities

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

- No
 Yes

Please specify:

[Last meetings: Paraguay, France, USA, and EU countries in the EJM Meetings](#)

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

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

- No
 Yes

Please specify and share the relevant instruments whenever possible:

[Please insert text here](#)

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

- No
 Yes

Please specify:

[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)?¹²

- No
 Yes

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

[Please insert text here](#)

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

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

Transfrontier access / contact¹³

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

- No
- Yes

Please specify:

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.

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?¹⁴

- No
- Yes

Please specify:

Please insert text here

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

Position	Services provided
A request of assistance to organise or secure effective exercise of rights of access in another Contracting Party (as requesting State)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 3. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide <input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input checked="" type="checkbox"/> 5. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access

¹³ See C&R Nos 18-20 of the 2017 SC.

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

	<input checked="" type="checkbox"/> 6. Assistance in providing or facilitating the provision of legal aid and advice <input checked="" type="checkbox"/> 7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input checked="" type="checkbox"/> 8. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 9. Provision of regular updates on the progress of the application <input type="checkbox"/> 10. Other, please specify: Please insert text here
A request of assistance to organise or secure effective exercise of rights of access in your State (as requested State)	<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 type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 6. Regular updates on the progress of the application <input type="checkbox"/> 7. Other, please specify: Please insert text here

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

- No
 Yes
 Please specify:
 Please insert text here

Special topics

Obtaining the views of a child in a child abduction case

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

Please explain:
 In 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.

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

- No
 Yes
 Please specify:

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 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.

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:

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.

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

Please insert your suggestions:

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.

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: 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.

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

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:

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.

Use of the 1996 Convention¹⁶

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

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

No
 Yes

Please specify:

Please insert text here

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

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

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:

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 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.

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:

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.

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:

Please insert text here

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

- No
 Yes

Please specify:

It is understood that mirror orders, safe harbour orders and undertakings as common law tools are difficult to admit in continental countries.

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:

It is a legal possibility to take into account.

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:

It is a possibility to be considered.

International family relocation¹⁸

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

Yes

Please describe such procedures, if possible:

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.

No

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

Please insert text here

Publicity and debate concerning the 1980 Convention

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

No

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

Yes

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

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

Please explain:

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.

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 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.

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.

Excellent

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

Excellent

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

Excellent

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

Excellent

- 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;

Excellent

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

²⁰ Available on the HCCH website at under "Child Abduction Section" and "Judges' Newsletter on International Child Protection". For some volumes of *The Judges' Newsletter*, it is possible to download individual articles as required.

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

Excellent

- 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.

Excellent

- 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.

Excellent

- 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.

Excellent

Guides to Good Practice under the 1980 Convention

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

- a. Part I on Central Authority Practice.

Excellent

- b. Part II on Implementing Measures.

Excellent

- c. Part III on Preventive Measures.

Excellent

- d. Part IV on Enforcement.

Excellent

- e. Part V on Mediation

Excellent

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

Excellent

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

Excellent

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

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

Please insert text here

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

Please insert text here

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

By the moment to be disseminated between legal practitioners

Other

58. What other measures or mechanisms would you recommend:

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

PART III – NON-CONVENTION STATES

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

Please explain:

[Please insert text here](#)

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

Please indicate:

[Please insert text here](#)

The “Malta Process”²⁴

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

Please explain:

[Please insert text here](#)

²⁴ The “Malta Process” is a dialogue between certain Contracting Parties to the 1980 and 1996 Conventions and certain States which are not Parties to either Convention, with a view to securing better protection for cross-border rights of contact of parents and their children and addressing the problems posed by international abduction between the States concerned. For further information see the HCCH website at www.hcch.net under “Child Abduction Section” then “Judicial Seminars on the International Protection of Children”.

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

Views on priorities and recommendations for the SC

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

Please specify and list in order of priority if possible:
Please insert text here

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:
Please insert text here

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