

The Seventh Meeting of the Special Commission on the Practical Operation of the 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention – October 2017

Document	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	No 11 A of February 2018 – revised
Title	Part I — A statistical analysis of applications made in 2015 under the <i>Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction</i> — Global report – provisional edition, pending the completion of the French version	
Author	Professor Nigel Lowe and Victoria Stephens	
Agenda item	TBC	
Mandate(s)	Conclusions and Recommendations Nos 21-23 of Part I (1-10 June 2011) of the Sixth Meeting of the Special Commission on the practical operation of the 1980 Convention and the 1996 Convention	
Objective	To inform discussions of the Seventh Meeting of the Special Commission	
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes	Attached	
Related documents	Preliminary Document No 11 B of October 2017: Regional report	

PART I: GLOBAL REPORT

A. INTRODUCTION

1. Background and rationale of the project

1. This is the fourth research study to look into the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (hereinafter, “the 1980 Hague Convention”). The study has been conducted by Professor Nigel Lowe and Victoria Stephens, in consultation with the Permanent Bureau and the International Centre for Missing and Exploited Children (ICMEC).¹ *Special thanks are given to ICMEC which generously funded the project and provided support throughout.*

2. This Survey concerns all applications received by Central Authorities in 2015 and will use the findings of previous studies of 1999, 2003 and 2008 to provide an analysis of statistical trends over a 16-year period.

3. In all we received responses from 76 Contracting States and estimate that this captures 97% of all applications.² We have experienced generous co-operation from Central Authorities who have given their time to provide us with their information and to answer subsequent queries. In producing this report, we are indebted to the Central Authorities for their hard work and co-operation and to ICMEC for their additional assistance in inputting data into INCASTAT.³

2. Methodology

4. The questionnaire concerns all applications received by Central Authorities between 1 January 2015 and 31 December 2015. Outcomes of applications were recorded up to 18 months after the last possible application could have been made, namely 30 June 2017. Applications unresolved after that date have simply been classified as “pending”. Accordingly, 2015 was chosen to give as contemporaneous a view as possible in relation to the holding of the Seventh Meeting of the Special Commission in October 2017.

5. Although the questionnaire was essentially the same as before, for the first time information has been collected via the INCASTAT online database.

6. As in previous Surveys, the analysis is based on information provided by Central Authorities in particular in relation to: the number of applications they received; the “taking persons” in return applications and the “respondents” in access applications; the children involved; the outcomes of the applications; and the length of time it took to reach a final outcome.

7. The data contained in this report was submitted by Central Authorities from their own records. We have primarily relied upon the data from incoming applications (Forms A2 and B2 on INCASTAT) but have also used the data from outgoing applications to calculate overall numbers.

¹ Professor Nigel Lowe QC (Hon) is Emeritus Professor of Law at Cardiff University and Victoria Stephens is a freelance research consultant based in Lyon, France.

² This was calculated using information on incoming applications and, for States which did not respond to the Survey, using information from the outgoing cases database (INCASTAT database Forms A1 and B1). This can be compared with responses from 60 Contracting States for the 2008 Survey, 58 Contracting States in 2003 and 39 Contracting States in the 1999 Survey.

³ Special thanks go to Thea Philip, Matt Hensch, Katie Lindahl, Hannah Lyden, Krati Jain, Elizabeth Phillips, Abbe Horswill and Sandra Marchenko at ICMEC. We are also grateful to Professor Costanza Honorati, Professor Olga Kharzova, Judge Mónica Sifuentes, Professor Hazel Thompson-Ahye and Dr Katarina Trimmings for their help in contacting Central Authorities.

B. EXECUTIVE SUMMARY

8. Replies have been received from 76 of the 93 Contracting States that were Party to the 1980 Hague Convention in 2015 (as of 1 March 2018 there are now 98 following the accession of Bolivia, Jamaica, Pakistan, Philippines and Tunisia). Detailed information has been provided on a total of 2,652 incoming applications, comprising 2,270 return and 382 access applications. We estimate that this captures 97% of all applications made to Central Authorities in 2015.⁴

9. Making a direct comparison with the 2008 Survey, there has been a 3% increase in return applications but a 3% decrease in access applications.⁵

1. Return applications

10. 73% of taking persons were mothers, a higher proportion than the 69% recorded in 2008, 68% in 2003 and 69% in 1999. In 2015, 24% of the taking persons were fathers and the remaining 3% comprised grandparents, institutions or other relatives.

11. Where the information was available, the large majority (80%) of taking persons were the "primary carer" or "joint-primary carer" of the child.⁶ Where the taking person was the mother, this figure was 91% but only 61% where the taking person was the father. 58% of taking persons travelled to a State of which they were a national.⁷ Proportionately more taking fathers (64%) had the same nationality as the Requested State compared with 56% of mothers.

12. At least 2,997 children were involved in the 2,270 return applications, making an average of 1.3 children per application. A large majority of applications (70%) involved a single child and there were close to equal numbers of boys and girls with 53% of children being male and 47% female. The average age of a child involved in a return application was 6.8 years.

13. The overall return rate was 45%, in line with the 46% recorded in 2008 but lower than the 51% in 2003 and 50% in 1999. This return rate comprised 17% voluntary returns and 28% judicial returns. A further 3% of applications concluded with access being agreed or ordered which was the same as in 2008 and 2003.⁸ 12% of applications ended in a judicial refusal (less than the 15% in 2008 and 13% in 2003, though higher than the 11% in 1999), 14% were withdrawn (18% in 2008, 15% in 2003 and 14% in 1999) and the number of applications still pending at the cut-off date of 30 June 2017 was 6% (compared with 8% in 2008, 9% in 2003 and 9% in 1999). There was a decrease in the rate of rejection by the Central Authorities under Article 27 with 3% of applications ending in this way in 2015 (compared with 5% in 2008, 6% in 2003 and 11% in 1999).

14. In 2015, 43% of applications were decided in court (44% in 2008, 44% in 2003 and 43% in 1999). 65% of court decisions resulted in a judicial return order being made compared with 61% in 2008, 66% in 2003 and 74% in 1999.

15. In 2015, 243 applications ended in a judicial refusal. Some cases were refused for more than one reason and if all reasons are combined, the most frequently relied upon ground for refusal was Article 13(1)(b) (47 applications, 25%) and the child not being habitually resident in the Requested State (46 applications, 25%). Article 12 was a reason for refusal in 32 applications (17%) and the child's objections in 27 applications (15%).

⁴ This was calculated using information from outgoing cases (INCASTAT database Forms A1 and B1) and an estimate of applications between States that did not respond to the Survey. This can be compared with responses from 60 Contracting States for the 2008 Survey, 58 Contracting States in 2003 and 39 Contracting States in the 1999 Survey. Throughout the Study all percentages have been rounded to the nearest whole number.

⁵ To gain a direct comparison, data from 2015 has been compared with that for only the States that responded to both Surveys. The applications made and received by States that implemented the 1980 Hague Convention after 2008 have also been excluded for these purposes.

⁶ 20% were the sole primary carer of the child and 63% were a joint primary carer. These figures have been rounded up.

⁷ Either their sole nationality was the same as the Requested State or they held dual or triple nationality, one of which was that of the Requested State.

⁸ Though it should be noted that a further 84 applications ended in some other voluntary agreement. See further Section D.4.b. The final outcomes agreed by consent.

16. In 2015, applications were generally resolved more quickly, compared with the 2008 Survey. The average time taken to reach a decision of judicial return was 158 days (compared with 166 days in 2008, 125 days in 2003 and 107 in 1999) and a judicial refusal took an average of 245 days (compared with 286 days in 2008, 233 days in 2003 and 147 days in 1999). For applications resulting in a voluntary return the average time taken was 108 days, compared with 121 days in 2008, 98 days in 2003 and 84 days in 1999.

17. 31% of applications that went to court involved an appeal, an increase on the 24% in 2008. In 67% the same outcome was reached on appeal as at first instance, compared with 80% in 2008.

2. Access applications

18. In the 382 access applications made under Article 21 in 2015, 74% of respondents were mothers (79% in 2008, 79% in 2003 and 86% in 1999).

19. 58% of respondents had the same nationality as the Requested State compared with 50% in 2008, 53% in 2003 and 40% in 1999.

20. 75% of applications concerned a single child with an average of 1.3 children per application. The overall average age of a child involved was 8 years and 51% of children were female and 49% male.

21. The overall rate at which access was agreed or ordered was 27%, compared with 21% in 2008, 33% in 2003 and 43% in 1999. 19% of applications were withdrawn (31% in 2008, 22% in 2003 and 26% in 1999), 17% pending and 31% ending in reasons described as "other". 4% were rejected and 2% judicially refused.

22. Access applications took longer to resolve than return applications. The average time taken to reach a final outcome was 254 days overall, 97 days if there was a voluntary agreement for access, 291 days if access was judicially ordered and 266 days if access was refused. These timings are considerably faster than those in 2008 when the overall average was 339 days, 309 days where there was a voluntary agreement, 357 days where access was judicially ordered and 276 days if access was judicially refused.

C. THE OVERALL FINDINGS

23. Replies have been received from 76 of the 93 Contracting States that were party to the 1980 Hague Convention in 2015 (there are now 98 following the accession of Bolivia, Jamaica, Pakistan, Philippines and Tunisia).⁹ Information has been provided on a total of 2,652 incoming applications, comprising 2,270 return and 382 access applications. Annex 1 shows these applications in more detail. We estimate that this captures 97% of all applications to Central Authorities in 2015.¹⁰

24. In 2008, information was provided on 2,321 incoming applications from 60 States, 1,479 applications from 58 States in 2003 and 1,151 applications from 39 States in 1999.

25. Comparing the data from the States which responded to both the 2015 and 2008 Surveys there has been a 3% increase in return applications and a 3% decrease in access applications.¹¹

26. We estimate that in 2015 there were a total of 2,730 applications, comprising 2,335 return and 395 access applications made to Central Authorities under the 1980 Hague Convention.¹² This can be compared with the estimated total of 2,460 applications in 2008, 1,610 in 2003 and 1,062 in 1999.

27. When considering this global estimate of the number of applications it is worth bearing in mind that the above figures only relate to applications under the 1980 Hague Convention *routed through Central Authorities* and not to child abduction overall. They do not include abductions *within* State boundaries, nor all abductions even as between Contracting States to the 1980 Hague Convention. Some applications may have been made directly to the national courts concerned without the knowledge or involvement of Central Authorities,¹³ and others may have been made using different international instruments (*e.g.*, the *European Convention (Luxembourg) on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children of 1980* or the *Inter-American Convention on the International Return of Children*). The statistics do not include abductions involving States that are not party to the 1980 Convention.

28. Furthermore, no estimate is possible of the number of potential applications or cases in which the 1980 Hague Convention had a deterrent effect.

29. The workload varied between Central Authorities. Combining both incoming and outgoing applications the United States of America (USA) handled the greatest number with 597 applications, followed by the United Kingdom - England and Wales (hereinafter, "England

⁹ The 76 States which responded to the Survey were: Andorra, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China (Hong Kong and Macao), Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Moldova, Monaco, Montenegro, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russia, San Marino, Serbia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Turkey, Ukraine, United Kingdom (Cayman Islands, England and Wales, Isle of Man, Jersey, Northern Ireland and Scotland), United States, Uruguay and Venezuela.

¹⁰ This was calculated using information from outgoing cases (INCASTAT database Forms A1 and B1) and an estimate of applications between States that did not respond to the Survey. This can be compared with responses from 60 Contracting States for the 2008 Survey, 58 Contracting States in 2003 and 39 Contracting States in the 1999 Survey.

¹¹ To gain a direct comparison, data from 2015 has been compared with that from only the States that responded to both Surveys. The applications made and received by States that implemented the 1980 Hague Convention after 2008 have also been excluded for these purposes.

¹² As we did not receive responses from all the Contracting States we have estimated the total number of applications actually made in 2015. To do this we have used the data collected on outgoing applications which were sent to the Contracting States who did not respond to this Survey and added to this an estimate of the number of applications between Contracting States for whom we have no information.

¹³ As permitted by Art. 29 of the 1980 Hague Convention. Note: the statistics for Germany include 25 applications in which the Central Authority were notified about such direct applications.

and Wales”) with 578 applications, Germany with 457 applications, Mexico with 306 applications and France with 294 applications.¹⁴

30. By contrast, some Central Authorities handled no applications at all in 2015, namely: Andorra, Canada (Newfoundland, North West Territories, Nova Scotia, Nunavut, Prince Edward Island, Yukon), Guinea, Montenegro, San Marino, Seychelles and United Kingdom (Anguilla and Bermuda).

D. RETURN APPLICATIONS

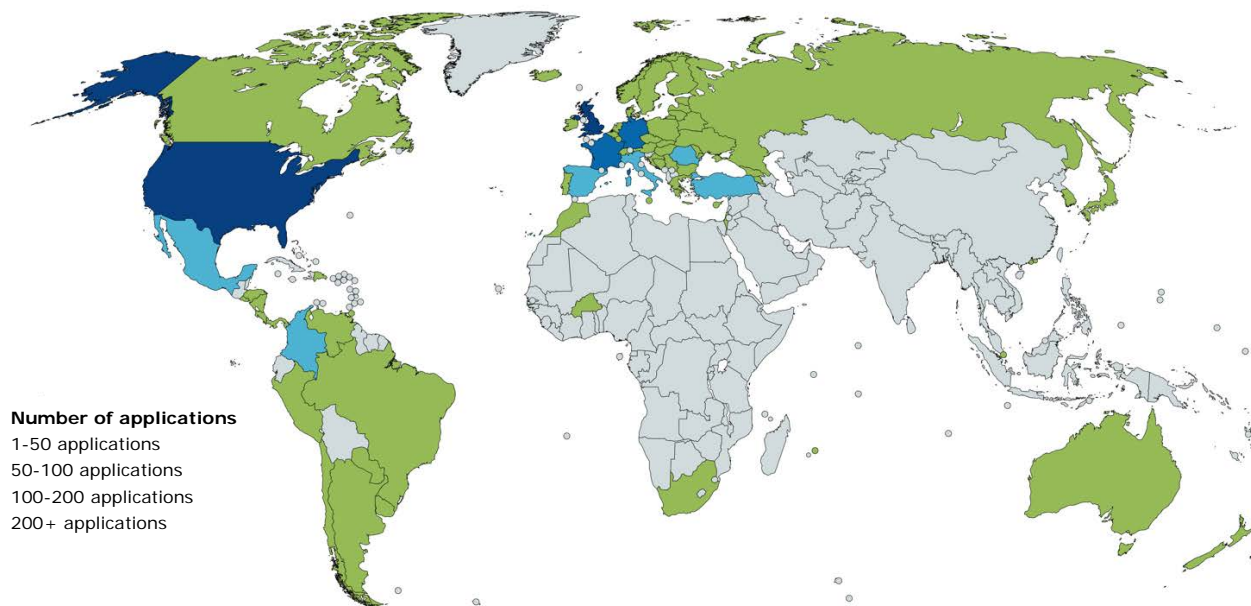
1. The number of return applications

31. 76 States responded to the Survey and we received information on 2,270 return applications received by 72 States. This can be compared with 1,961 return applications received by 54 States in 2008; 1,259 return applications received by 45 States in 2003 and 954 applications received by 30 States in 1999.

32. Comparing the data from the States which responded to the Survey in both 2015 and 2008, there has been a 3% increase in the number of return applications. This marks a slowing down in the increase in applications globally when compared with the 2008 Survey which recorded a 45% increase in applications in States which responded to both the 2008 and 2003 Surveys.

33. Annex 2 compares the number of applications received by States in 2015 with previous Surveys. The States which received applications can also be seen in the map below.

The number of return applications received by each State in 2015



34. As found in previous Surveys, more return applications were received by the USA than by any other Central Authority (313 applications). This amounts to 14% of the total number of applications received in 2015 (14% in 2008, 23% in 2003 and 22% in 1999). Similarly reflecting previous Surveys, England and Wales received the second highest number with 261 applications amounting to 12% of all applications received (10% in 2008, 11% in 2003 and 16% in 1999).¹⁵

¹⁴ This does not take account of informal enquiries made to Central Authorities which do not mature into formal applications. Such enquiries were not included in this Survey, but do create additional work for the Central Authorities.

¹⁵ The applications to England and Wales have been considered separately as the Central Authority received a considerably higher number of applications compared with the Central Authorities in Scotland (27 applications) and Northern Ireland (8 applications).

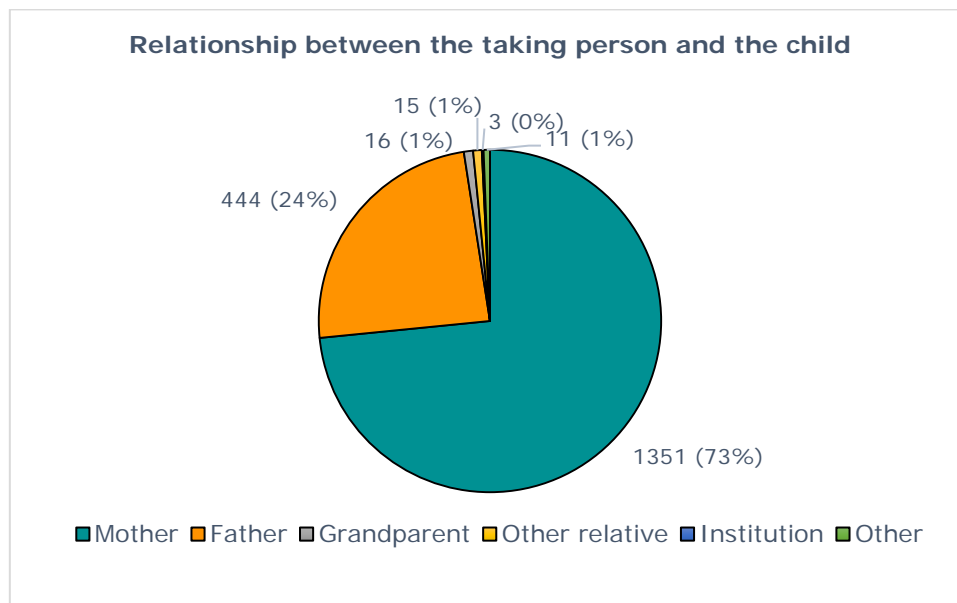
35. By contrast, no incoming return applications were received by Andorra, Guinea, Montenegro, San Marino, Seychelles, by the Canadian Central Authorities of Newfoundland, North West Territories, Nova Scotia, Nunavut, Prince Edward Island, Yukon nor by the United Kingdom Central Authorities of Anguilla and Bermuda.

36. While in 2008 there was a clear increase in the number of return applications received almost across the board, in 2015 the increase was concentrated in fewer jurisdictions. In 2015, 39% of States received an increased number of applications compared with 67% in 2008. Both the United Kingdom and Germany received particularly large increases in return applications compared with 2008 (increases of 73 applications, 33%, and 57 applications, 50%, respectively). This was also the case in the USA, France and Romania (30, 29 and 23 additional applications, respectively). By contrast, far fewer applications were received by Mexico (85 fewer applications, 51% decrease), Australia (30 applications, 40%) and Poland (18 applications, 27%). Overall, 21 States received more applications in 2015, seven received the same number and 26 received fewer.

2. The taking person

a. *The relationship between the taking person and the child*¹⁶

37. In 2015, 73% of taking persons were the mothers of the children involved in the application. This marks an increasing trend when compared with the 69% recorded in 2008 and 68% in 2003. 24% were fathers (compared with 28% in 2008 and 29% in 2003) and the remaining 2% involved grandparents, institutions or other relatives, such as step-parents or siblings. Seven applications involved a same sex couple, comprising four female couples and three male couples.



38. The proportion of applications involving taking mothers varied between States. Eight States received applications only involving taking mothers and 13 States received over 85%.¹⁷

39. By contrast, four States received applications only involving taking fathers, but none of these received more than two applications in total.¹⁸ A significantly high proportion of applications involving taking fathers were received by Switzerland (17 applications, 43%), Turkey (31 applications, 39%), and Mexico (28 applications, 34%). Annex 3 shows this information in more detail.

¹⁶ Information on the relationship between the taking person and the child was available in 1,776 applications.

¹⁷ In Belarus, Chile, Croatia, Honduras, Panama, Romania, Slovenia and Venezuela 100% of the applications received involved taking mothers. This proportion was over 85% in Argentina, Brazil, Canada, Costa Rica, Czech Republic, Denmark, Ireland, Japan, Lithuania, Nicaragua, Slovakia, South Africa and Ukraine.

¹⁸ These States were Armenia (two applications), Burkina Faso (one application), China – Macao SAR (one application) and Malta (one application).

b. The status of the taking person as carer to the child

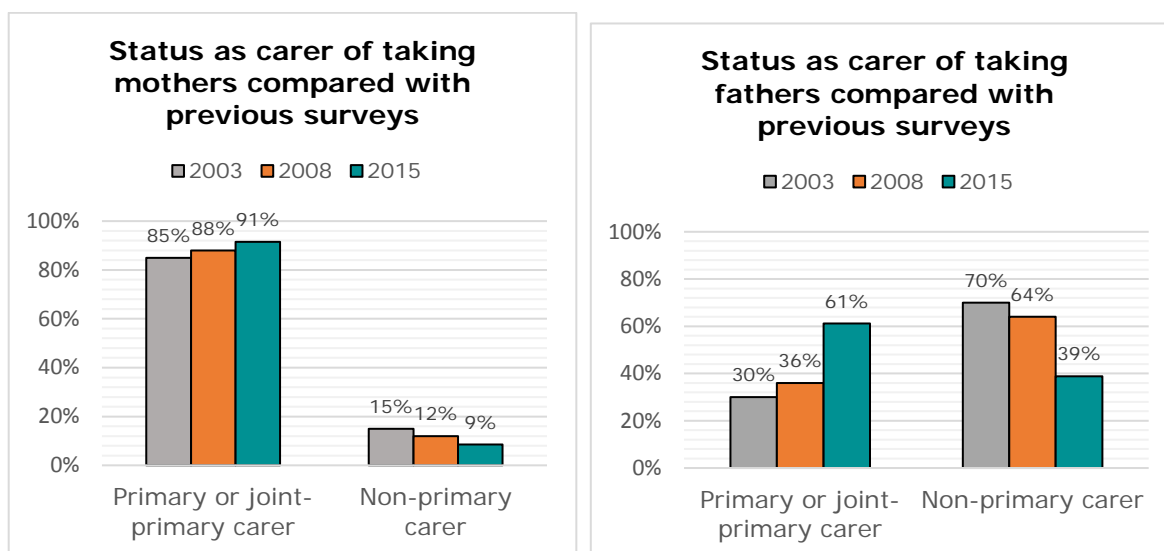
40. The last three Surveys included a specific question on the status as carer of the taking person – whether they were the primary carer of the child, shared caring responsibilities with the applicant or were a secondary carer.¹⁹

41. Not all Central Authorities recorded this information but for the 976 applications in which it was available, 20% of the taking persons were said to be the child's primary carer, 60% a joint primary carer and 20% a non-primary carer.²⁰

42. Overall, 80% of taking persons in 2015 were the primary or joint-primary carer of the children involved. This can be compared with 72% in 2008 and 68% in 2003.

43. A clear trend emerged in previous Surveys that most of the taking mothers were primary or joint-primary carers of the children, whereas most taking fathers did not have primary care responsibilities. In 2015, while the number of taking mothers with primary care responsibilities increased to 91%, the proportion of taking fathers who were primary carers also increased to 61% (from 36% in 2008). However, a higher proportion of taking mothers were the sole primary carer (24%) compared with taking fathers (9%).

44. Analysing the data further, 67% of the taking mothers were joint primary carers as against 37% in 2008, while 52% of taking fathers were joint primary carers as against 20% in 2008. This finding reflects a growing trend of joint parenting.



c. The nationality of the taking person

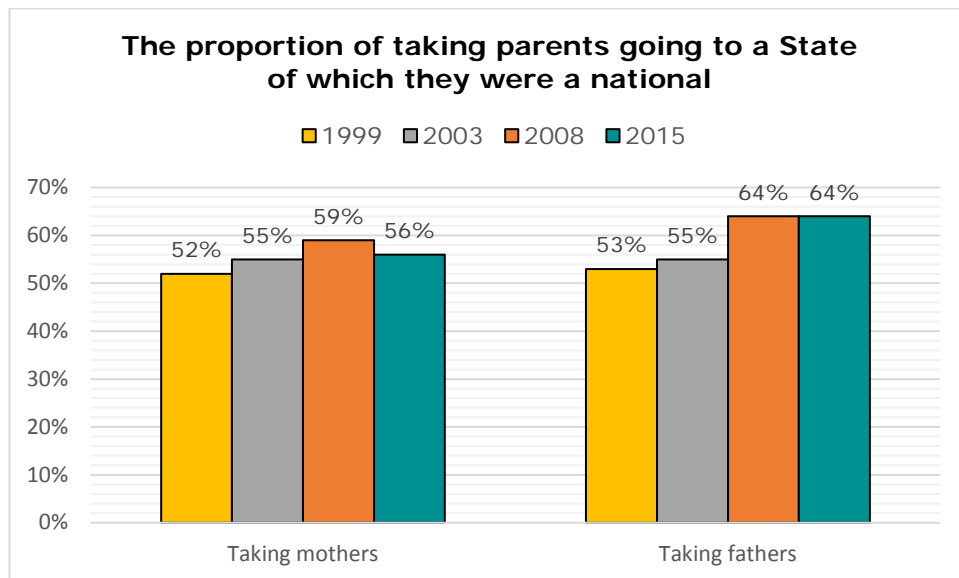
45. Previous studies found that a majority of taking persons travelled to a State of which they were a national. In such cases it is likely, although not necessarily so, that they are “going home” to the State in which they were brought up or in which they have family ties.

¹⁹ The term “primary carer” was not defined in the questionnaire but the Guidance note accompanying the questionnaire advised ‘The “non-primary carer” option will include the spectrum of individuals who have, for example, limited access rights to those with no care or contact nexus with the child.’ The authors take the view that the “primary carer” refers to the parent with whom the child usually lived at the time of removal and the “joint-primary carer” where the child either lived with both parents at the time of removal or, if the parents were separated, spent a substantial amount of time with each parent but whether this is how each Central Authority interpreted the question is unknown.

²⁰ In a further 6 applications the taking person had different caring status for different children. For example, in two cases the taking person was the primary carer of one of the children involved but a non-primary carer of the other.

46. In 2015, 58% of applications involved a taking person who was “going home”.²¹ This can be compared with 60% in 2008, 55% in 2003 and 52% in 1999.

47. The Survey also considered whether there was a correlation between the nationality of the taking person and whether they were the mother or the father of the child. As can be seen from the graph below, the figures remained fairly consistent compared with previous Surveys, with a slightly higher proportion of taking fathers going to a State of which they were a national (64%, 245 out of 383 applications, including 40 applications in which the taking person had dual nationality). 56% of taking mothers also travelled to a State of which they were a national (628 out of 1,126 applications, including 101 applications in which the taking person had dual nationality).



3. The children

48. At least 2,997 children were involved in the 2,270 return applications in 2015.²² This equates to an average of 1.3 children per application, which is less than the average of 1.4 children in 2008 and 2003 and 1.5 children in 1999.

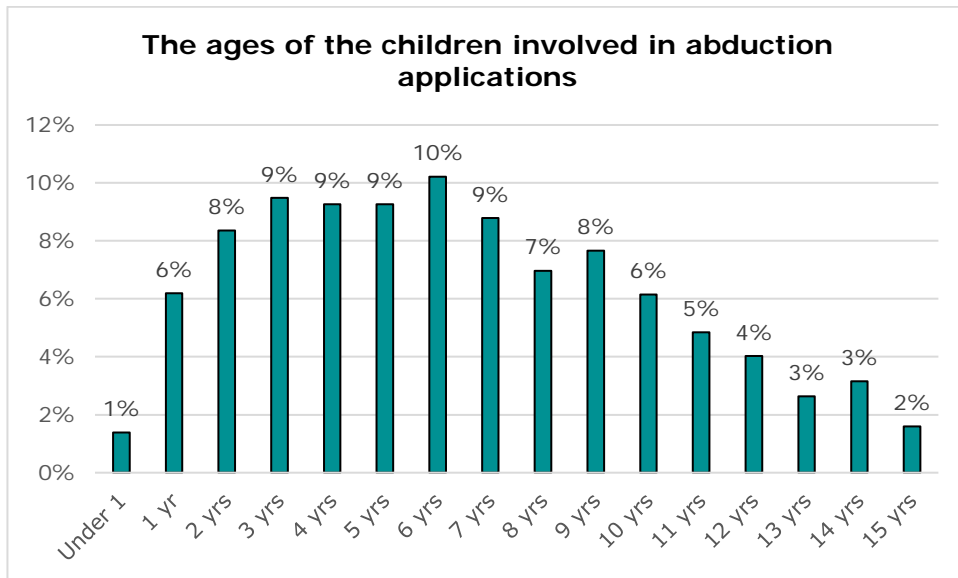
49. The majority of applications involve single children. 70% of return applications were for single children in 2008 compared with 69% in 2008, 67% in 2003 and 63% in 1999.

a. The age of the children

50. In 2015 the average age of a child involved in a return application was 6.8 years. The table below shows the age distribution, with the greatest proportion of children aged 3-7 years.

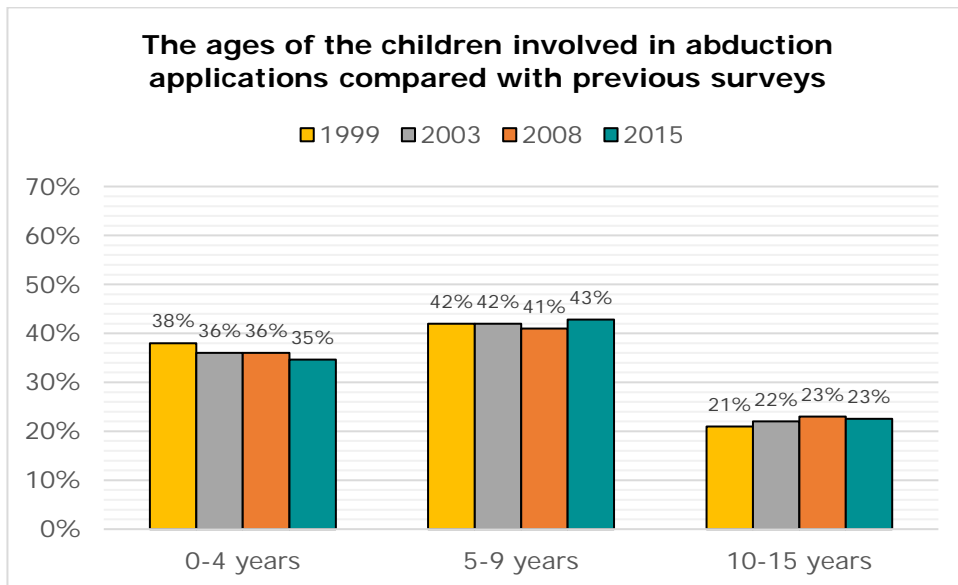
²¹ Information was available in 1,724 applications, 1,004 of these involved a taking person with the nationality of the Requested States. This includes 146 cases in which the taking person had dual nationality.

²² Data was available in 1,985 of the 2,270 applications. 2,712 children were involved in these applications and at least one child must have been involved in each of the remaining 285 applications, making a total 2,997 children.



51. As can be seen in the table below, the average age of the children involved in abduction applications has remained relatively constant over past Surveys. The average of 6.8 years in 2015 can be compared with 6.4 years in 2008 and 6.3 years in 2003.

52. These findings are not without significance with regard to listening to children in child abduction proceedings and having regard to children's objections to returning.



53. If the taking person was the mother of the child the average age was lower (6.1 years) compared with cases where the taking person was the father of the child (7.7 years). This was also the case in 2008 when the average ages were 6.0 years and 7.2 years, respectively.

b. The gender of the children

54. In 2015 the gender was recorded for 2,572 children involved in abduction applications. The results show a more or less equal proportion of male and female children with 53% being male and 47% female. This finding has remained relatively constant compared with past Surveys with 51% male children and 49% female in 2008, 49% and 51%, respectively, in 2003 and 53% and 47% in 1999.

4. Outcomes

55. The following is an analysis of all return applications received in 2015, regardless of whether the outcome was reached in that year, or later, or even at all. Applications that were still unresolved at 30 June 2017 have been classed as "pending".

a. *Overall outcomes*

The outcomes of return applications received in 2015

	Frequency	Percentage
Rejection	64	3%
Voluntary return	348	17%
Judicial return	561	28%
Judicial refusal	243	12%
Access agreed or ordered	57	3%
Pending	128	6%
Withdrawn	283	14%
Other	318	16%
Total	2 002	≈ 100%

56. Detailed information on the outcome was available for 2,002 applications.²³ The overall return rate was 45% comprising 348 voluntary agreements to return and 561 judicial orders for return.

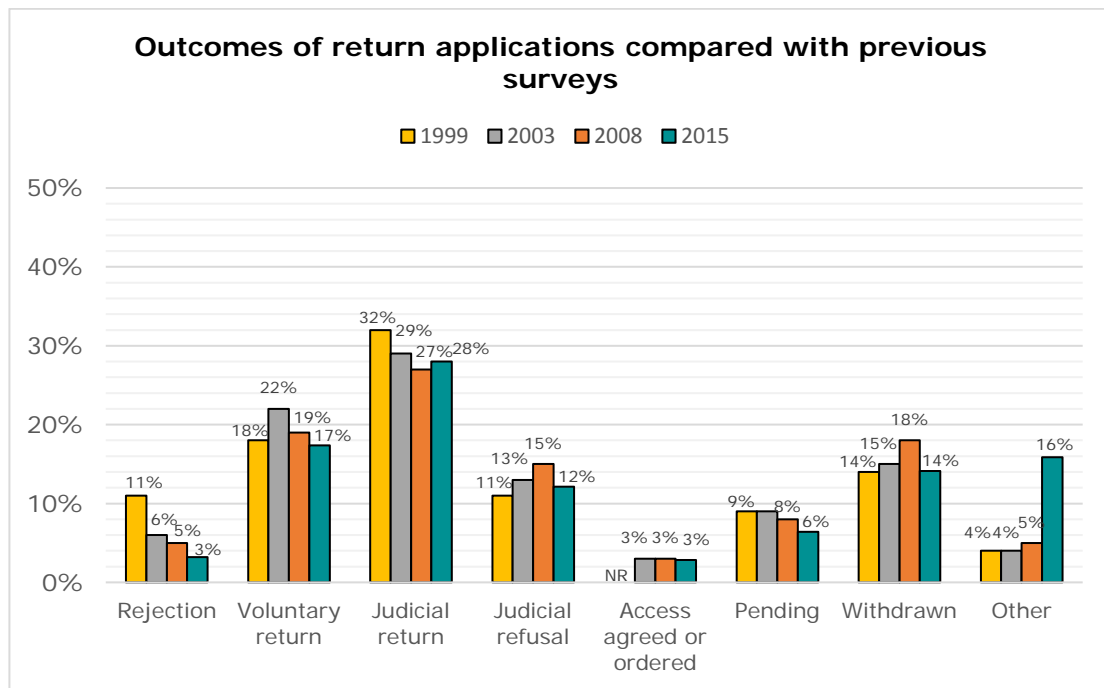
57. Of the cases which ended in a judicial order for return 21% involved a judicial order for return with the consent of the parties, 57% involved an order without consent, and in the remaining 22% the consent of the parties was unknown.²⁴ This can be compared with 24%, 55% and 20%, respectively, in 2008.²⁵

58. As the graph below shows the overall return rate was 45%, slightly lower than the 46% recorded in 2008. This marks a decrease from the 51% recorded in 2003 and 50% in 1999. Interestingly, the number of judicial refusals has also decreased significantly, reversing the trend of previous Surveys of a steady increase in refusals. A similar pattern can be seen with regard to withdrawn applications.

²³ In the remaining 268 applications information was not available on the outcome.

²⁴ Based on 117 applications ending in a return decided with the consent of the parties, 319 decided without the consent of the parties and 125 in which this information was not known.

²⁵ Based on 124 applications ending in a return decided with the consent of the parties, 280 decided without the consent of the parties and 104 in which this information was not known.



59. By contrast, a significant proportion of applications ended in “other” outcomes (16%, 318 applications). Looking at these cases in more detail, 84 ended in some other voluntary agreement, for example, an agreement between the parties for the child to remain in the Requested State. A further 84 were closed due to applicant’s “inaction”, for example, the applicant failing to transmit all necessary documents for the application or simply ending all contact with the Requesting Central Authority. The reasons for the remaining “other” outcomes were diverse. They included applications in which the child was not traced or traced to another State,²⁶ the child reaching the age of 16, the child going back to the Requesting State, the abductor being arrested, the death of the applicant or a decision by the court in the Requesting State.

60. An additional two cases involved different outcomes for different children. One ended in a judicial order for return for one child and, for the other, a judicial refusal to return based on the child’s objections. In the other case the application for the return of one child was rejected based on Article 27 and the care of the other child was attributed to the taking mother by the Requesting State and they were permitted to remain in the Requested State.

b. The final outcomes agreed by consent

61. An important point that became clear in this Survey was that not all voluntary agreements are for the return of the child. In 2015, 348 applications ended in a voluntary agreement to return but a further 56 ended in some form of access (including agreements and court orders for access) and 84 ended in some other form of agreement, mostly an agreement to remain in the Requested State (recorded in INCASTAT as “other”).

62. In total, 30% of all applications (593 applications) ended in an outcome with the consent of the parties, including 117 applications in which the court ordered the return of the child with the consent of the taking parent. In reality this figure is probably even higher as some cases will have been withdrawn due to the parties reaching a settlement. Further orders for return may have been made with consent, but the position of the parties was unknown in 125 applications.

²⁶ In 41 cases the child was not traced, in 27 they were traced to another State party to the 1980 Hague Convention, in 6 they were traced to a non-Hague Convention State and in a further 3 the child was simply recorded as not being in the Requested State.

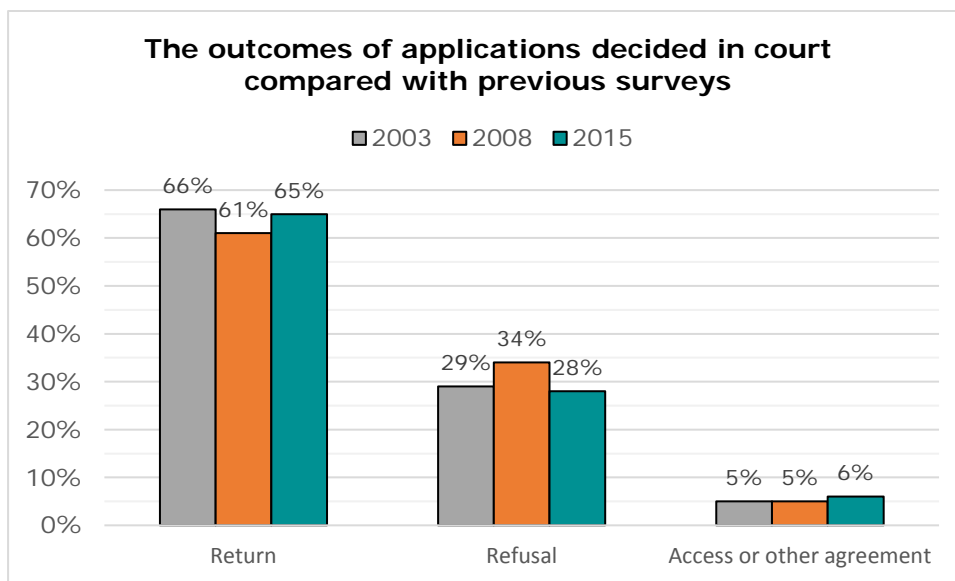
c. *The applications which went to court*

63. In 2015, a total of 965 applications were sent to court, amounting to 48% of all those in which outcomes were known. 108 of these applications did not reach a final court decision – either because the case was still pending or because the parties reached another decision, for example, a withdrawal or voluntary return.

64. The remaining 857 had reached a final court decision before the cut-off date of 30 June 2017. This equates to 43% of all applications in which the outcomes were known. This has remained constant throughout past Surveys compared with 44% of applications being decided in court in 2008, 44% in 2003 and 43% in 1999.

65. Of the applications decided in court in 2015, 65% ended in a return, 28% in a refusal and 6% in orders for access or other voluntary agreements. This can be compared with a 61% return rate in 2008 and 66% in 2003.

66. As the graph below shows, these court outcomes were relatively consistent with previous Surveys, though the 2015 findings are more in line with those of 2003.



67. In 1999, information was not recorded on outcomes ending in access orders but for the applications that were decided in court 74% ended in a return and 26% in a refusal.

d. *Outcomes by the Central Authorities which received the applications*

68. Annex 4 shows the outcomes of applications by the Central Authorities which received them and the variation between these outcomes. For example, compared with the global 45% return rate, there was a notably high proportion of returns in New Zealand (83%, 25 applications), United Kingdom – Scotland (64%, 16 applications), Turkey (60%, 26 applications) and Australia (58%, 24 applications). By contrast, a low proportion of applications ended in return in Austria (5%, 1 application) and Sweden (24%, 6 applications) though many applications received by these Central Authorities remained pending.

69. Regarding judicial refusals, a notably high proportion of the applications received by Poland, Russia and France were refused (35%, 17 applications; 23%, 10 applications; and 22%, 18 applications, respectively). This can be compared with the global rate of 12%. By contrast, only 5% of the applications received by Austria and Ireland were refused (1 and 2 applications, respectively), 7% of those received by England and Wales (17 applications) and 8% of those received by Switzerland (3 applications).

70. In 57 Central Authorities, all applications had reached a final outcome by the cut-off date of 30 June 2017. However, for others, a high proportion of applications were still pending. In Greece, 8 of the 12 applications received were unresolved at this date (67%), in Austria 9 out of 20 applications (45%), Colombia 21 out of 48 (44%) and in Sweden 10 out of 25 (40%).

e. Return applications where access was agreed or ordered

71. Relatively few applications were recorded as ending with an access order or agreement for access. In 2015, 57 applications (3%) of all applications ended this way, the same proportion as in both 2008 and 2003.

72. A notably high proportion of applications received by England and Wales ended in an order or agreement for access (14%, up from 10% in 2008). This amounted to 64% of the 57 return applications ending in access globally.

73. Unlike previous Surveys, INCASTAT did not differentiate between court orders for access and access agreements made in return applications. Consequently, it is not possible to tell what proportion of applications ending in access were ordered by the court or agreed between the parties.

74. In 2008, 62 applications ended in access. Of these, 41 were a judicial order for access and 21 an agreement.²⁷ In 2003 the 38 applications ending in access comprised 26 judicial orders and 12 agreements.²⁸

f. Withdrawn applications

75. The proportion of applications that were withdrawn declined to 14% in 2015, compared with 18% in 2008, 15% in 2003 and 14% in 1999.

76. The reasons for withdrawal were not stated as there was no space to record this information in the INCASTAT database. However, we know from previous Surveys that applications are withdrawn for a variety of reasons: because the applicant ended contact with their lawyer or with the Central Authority; because the taking person had left the Requested State; because of a custody award made by the Requesting State's domestic court; or after early advice regarding the strength of their case.

g. The reasons for rejection of applications by the Central Authority

77. Under Article 27 Central Authorities are not bound to accept applications where the requirements of the 1980 Hague Convention are not fulfilled or if the application is otherwise not well founded. For example, if the child involved is over 16 or not located in the Requested State.

78. In 2015, 64 applications were rejected by the Central Authorities in the Requested State (3% of all applications). This includes one application which was recorded as "other", having different outcomes for different children. This finding confirms the declining trend in the proportion of applications rejected, when compared with 5% in 2008, 6% in 2003 and 11% in 1999.

79. Rejection rates vary between States. As has been highlighted in previous reports, practices regarding rejections may depend on individual Central Authority policy, as well as experience of the 1980 Hague Convention. For example, 21% of applications received by Brazil and Switzerland were rejected (5 and 8 applications, respectively), as were 10 of the 68 received by Mexico (15%). Further, some Requesting Central Authorities may reject applications before they are even passed on to the Requested Central Authority, though we do not have any information on such cases.

80. Detailed reasons for rejection were not recorded in the INCASTAT database, though we know that 52 applications were rejected based on Article 27 and one based on Article 4.

²⁷ Of the judicial orders for access in 2008, 35 were made without the consent of the parties and 6 with consent.

²⁸ Of the judicial orders for access in 2003, 7 were made without the consent of the parties and 19 with consent.

h. The reasons for judicial refusal

81. The 1980 Hague Convention itself provides, by Articles 3, 12, 13 and 20, conditions for and exceptions to the obligation to make a return order by which *judicial* authorities may refuse a return application.

82. In 2015, 243 applications were refused by the courts (12%), compared with 15% in 2008, 13% in 2003 and 11% in 1999.

83. The reasons for refusal were available in 185 of the 243 refused applications. Before analysing the data it is worth making the point that information was only sought on the reasons cited in applications that ended in a refusal. In other words, the statistics do not reveal how often the exceptions were argued unsuccessfully nor do they include those cases where an exception was made out but the court nevertheless exercised its discretion to make a return order.

84. The table below shows the reasons for which applications were refused in 2015 (as a percentage of the 185 applications in which the reasons for refusal were available). The most common sole reason for refusal was because the child was not found to be habitually resident in the Requesting State (19%, 36 applications) followed by Article 13(1)(b) (grave risk of harm) (18%, 33 applications).

The sole reason for judicial refusal per application in 2015

	Frequency	Percentage
Child not habitually resident in Requesting State	36	19%
Applicant had no rights of custody	11	6%
Art. 12	21	11%
Art. 13(1)(a) not exercising rights of custody	4	2%
Art. 13(1)(a) consent	21	11%
Art. 13(1)(a) acquiescence	9	5%
Art. 13(1)(b)	33	18%
Child's objections	18	10%
Art. 20	2	1%
More than one reason	30	16%
	185	≈ 100%

85. As can be seen from the table above, a significant proportion of applications that ended in judicial refusal were refused for multiple reasons (16%). These cases were decided based on a total of 67 reasons as set out in the table below.

The multiple reasons for judicial refusal

	Frequency	Percentage
Child not habitually resident in Requesting State	10	15%
Applicant had no rights of custody	2	3%
Art. 12	11	16%
Art. 13(1)(a) not exercising rights of custody	7	10%
Art. 13(1)(a) consent	7	10%
Art. 13(1)(a) acquiescence	7	10%
Art. 13(1)(b)	14	21%
Child's objections	9	13%
Art. 20	0	0%
	67	≈ 100%

86. The child not being habitually resident in the Requesting State was the most commonly relied upon sole reason for refusal. However, when multiple reasons were included this was Article 13(1)(b), relied upon in 47 out of the 185 refused applications in which the reasons for refusal were known (25%).

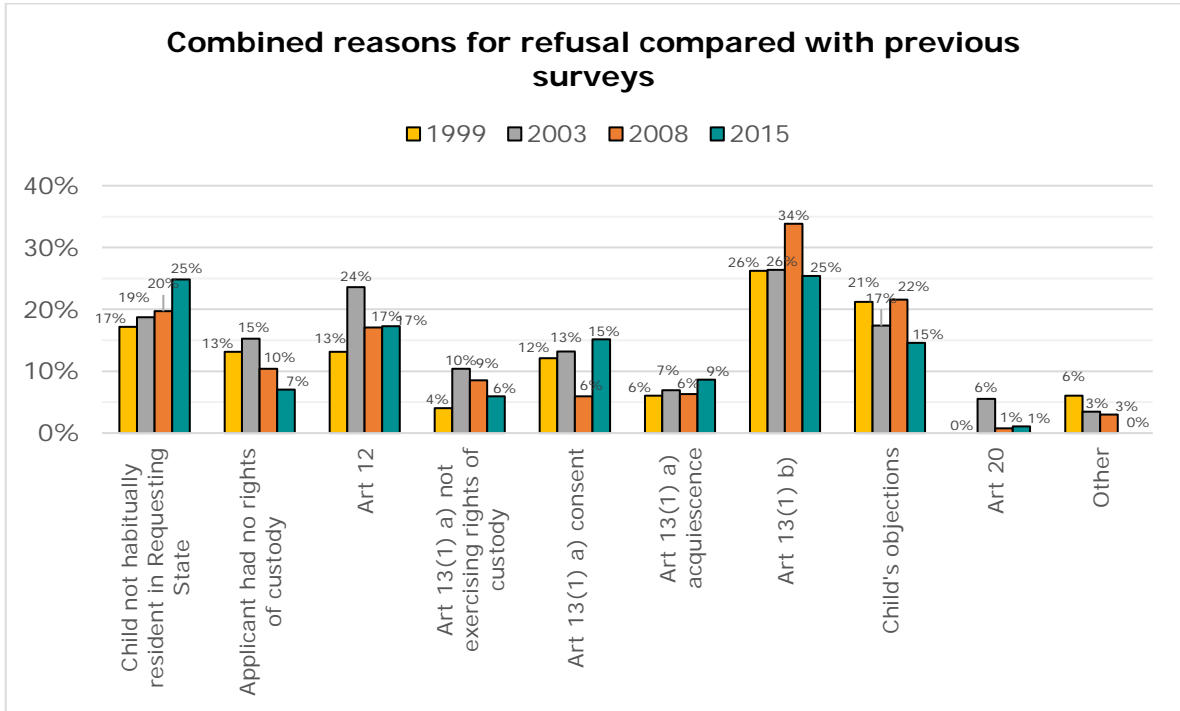
87. The table and graph below include these multiple reasons for refusal and compare them with previous Surveys.

88. There has been a sharp increase in the proportion of applications refused because the child was found not to be habitually resident in the Requesting State. There has also been an increase in applications refused based on Article 13 (1)(a) due to the consent or acquiescence of the left behind parent.

89. The proportion of refused applications which relied upon Article 13 (1)(b) (as the sole reason or one of multiple reasons) has decreased from 2008 and is now in line with the findings of 2003 and 1999. Similarly, there was a decrease in applications refused because the applicant had no rights of custody or was not exercising their rights of custody or based on the child's objections.

The combined reasons for refusal (sole and multiple reasons) in applications received in 2015 and previous Surveys

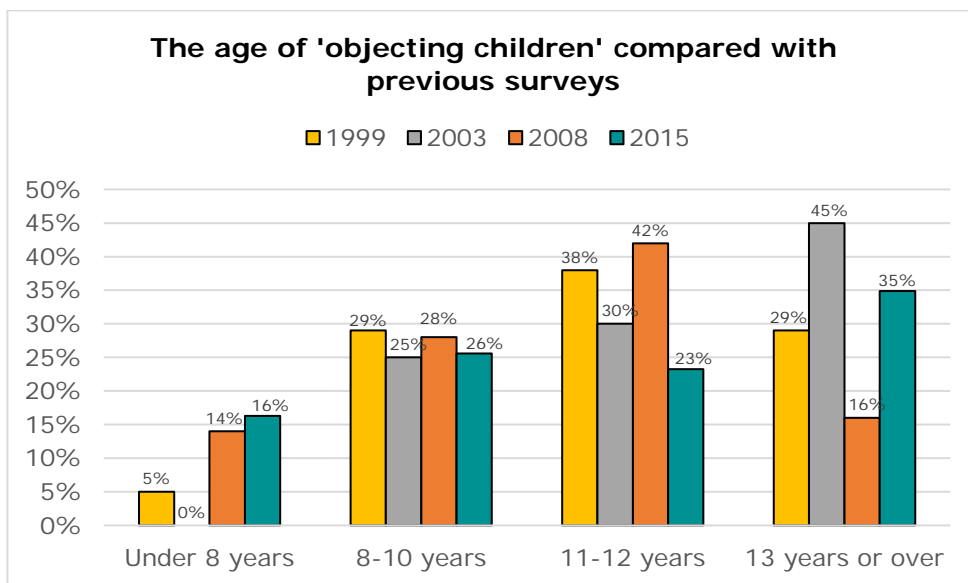
	1999		2003		2008		2015	
Child not habitually resident in Requesting State	17	17%	27	19%	53	20%	46	25%
Applicant had no rights of custody	13	13%	22	15%	28	10%	13	7%
Art. 12	13	13%	34	24%	46	17%	32	17%
Art. 13(1)(a) not exercising rights of custody	4	4%	15	10%	23	9%	11	6%
Art. 13(1)(a) consent	12	12%	19	13%	16	6%	28	15%
Art. 13(1)(a) acquiescence	6	6%	10	7%	17	6%	16	9%
Art. 13(1)(b)	26	26%	38	26%	91	34%	47	25%
Child's objections	21	21%	26	18%	58	22%	27	15%
Art. 20	0	0%	8	6%	2	1%	2	1%
Other	6	6%	5	3%	8	3%	0	0%
Number of reasons	118	119%	204	142%	342	127%	222	120%
Number of applications	99		144		269		185	



i. The child's objections and the age of the child

90. In 2015, 35 children were involved in the 27 applications in which the child's objections were the sole or partial reason for refusal. The average age of an "objecting child" was 11 years with the lowest age being 4 years (1 application which involved older siblings aged 10 and 12) and the highest being 15 years (2 applications).

91. The following table compares the ages of children involved in applications refused based on their objections in all four Surveys. In 2015 there was an increase in children under the age of 8, though it should be noted that each of the cases also involved older siblings. Additionally, there was a large increase in the proportion of children aged over 13 compared with 2008, though still lower than that recorded in 2003.



ii. *The reasons for judicial refusal and the relationship between the taking person and the child*

92. Where the taking person was the mother of the child, 12% of applications were refused, compared with 9% if the taking person was the father. In 2008 the figures were 17% and 11% respectively; 14% and 9% in 2003; and 7% and 11% in 1999.

The reasons for refusal and the relationship between the taking person and the child²⁹

	Mother		Father	
	Frequency	Percentage	Frequency	Percentage
Child not habitually resident in Requesting State	29	23%	12	44%
Applicant had no rights of custody	8	6%	1	4%
Art. 12	21	16%	2	7%
Art. 13(1)(a) not exercising rights of custody	7	5%	0	0%
Art. 13(1)(a) consent	20	16%	2	7%
Art. 13(1)(a) acquiescence	15	12%	1	4%
Art. 13(1)(b)	34	27%	6	22%
Child's objections	19	15%	5	19%
Art. 20	0	0%	0	0%
Number of reasons	153	120%	29	107%
Number of applications	128		27	

93. As can be seen from the table above, the most common reason for refusal where the taking person was the mother of the child was Article 13(1)(b), 27% of applications, compared with 22% if the taking person was the father of the child.

94. In 2008, Article 13(1)(b) was relied upon solely or partially in 30% of refusals in applications with taking mothers but only 15% with taking fathers. However, the inverse was true in 2003 when 16% of refusals for taking mothers were based on Article 13(1)(b) and 24% of refusals for taking fathers.

95. Where the taking person was the father of the child, applications were most commonly refused due to the child not being habitually resident in the Requesting State (44% compared with 23% in applications involving taking mothers). A high proportion were also refused upon the basis of Article 13(1)(b) at 22%. As in previous Surveys, proportionally more applications were refused based on the child's objections (19%) when the taking person was the father of the children compared with applications involving taking mothers (15%). However, this trend is less pronounced than in past Surveys with figures of 31%:13%, respectively, in 2008, 24%:16% in 2003 and 27%:4% in 1999.

iii. *The reasons for judicial refusal and the status as carer of the taking person*

96. Of the 243 applications that ended in a judicial refusal, the carer status of the taking person was known in 118. 108 of these were the primary or joint-primary carer of the child and only 10 were a non-primary carer (91% and 9%, respectively). In 2008, 77% of refusals involved a taking person who was the primary or joint-primary carer of the child.

97. The reasons for refusal were known in 104 applications. The table below shows the reasons for refusal in these applications. With the caveat that there are only a small number of cases involving non-primary carers, one stand-out difference is the lack of judicial refusals based on non-habitual residence in these cases.

²⁹ Information on the reasons for refusal was available in 128 of the 145 refused applications in which the taking person was the mother of the child and 27 of the 37 refused applications in which the taking person was the father.

The reasons for refusal and the status as carer of the taking person

	Primary or joint-primary carer		Non-primary carer	
	Frequency	Percentage	Frequency	Percentage
Child not habitually resident in Requesting State	21	22%	0	0%
Applicant had no rights of custody	6	6%	0	0%
Art. 12	16	17%	3	30%
Art. 13(1)(a) not exercising rights of custody	7	7%	1	10%
Art. 13(1)(a) consent	12	13%	1	10%
Art. 13(1)(a) acquiescence	13	14%	1	10%
Art. 13(1)(b)	28	30%	3	30%
Child's objections	14	15%	3	30%
Art. 20	1	1%	0	0%
Number of reasons	118	126%	12	120%
Number of applications	94		10	

5. Appeals

98. In 2015, 295 applications involved an appeal, amounting to 31% of the 965 applications which went to court. This is a significant increase compared with 24% in 2008.

99. 240 of these applications involved one level of appeal, 48 were appealed twice and 7 involved 3 levels of appeal. The time taken to conclude these applications is analysed in more detail below.³⁰

100. Of the 295 appealed applications, the outcome was known in 267. Of these, 54% ended in a return, 29% in a refusal, 11% were pending and the remaining 6% ended in some other outcome including an order for access or the case being withdrawn by the appellant.

101. The first instance decision was recorded in 285 appealed applications, of which, 56% ended in a return and 44% in a judicial refusal. In 67% the same outcome was reached on appeal as at first instance.³¹ This can be compared with 80% in 2008.

102. For applications ending in a judicial return, 71% of appeals confirmed this decision, compared with 78% in 2008. Interestingly, where applications ended in a judicial refusal, only 48% of appeals confirmed the first instance decision, a significant decrease from the 82% recorded in 2008.

6. Timing

103. Timing is a key issue when considering the successful operation of the 1980 Hague Convention. Article 1(a) states that the object of the 1980 Hague Convention is to secure the prompt return of children wrongfully removed to or retained in another Contracting State. Article 2 instructs Contracting States to use "the most expeditious procedures available" to attain the 1980 Hague Convention's objectives.

104. Furthermore, Article 11(2) provides that applicants or Central Authorities of the Requesting State have the right to request the reasons for delay of their application when a

³⁰ See Section D.6.e.

³¹ 173 applications out of 257 applications in which the outcomes were known for both first instance and the appeal decisions.

decision has not been reached within six weeks from the date of the commencement of the proceedings. Given the general absence of judicial analysis it is perhaps an open question as to whether Article 11 (2) can be construed as applying from the time of receipt of the application by the requested Central Authority rather than from the commencement of court proceedings, though the French version of Article 11³² points to it being addressed to court proceedings. But even if it is confined to court proceedings, it has yet to be determined whether that includes appeals.

105. Note might also be taken of the stronger obligation on EU Member States (except Denmark) to complete court proceedings within six weeks, imposed by Article 11 (3) of the Brussels II a Regulation.³³ This will be discussed further in Part II of this Report.

a. The timing between application and outcome

106. The mean number of days to arrive at a final settlement was 164 days, from the date at which the application was received, compared with 188 days in 2008.³⁴

107. This marks a reversal of the trend of previous Surveys in which applications were taking longer to conclude.

108. The time taken to reach a final decision varied considerably depending on the outcome, as can be seen from the table below. The table shows the mean average time taken from the receipt of the application by the Central Authority until the final agreement or court decision, including any appeals.

The average number of days taken to reach certain outcomes in 2015

	Voluntary Return	Judicial return	Judicial refusal
Mean	108	158	245
Minimum	3	4	12
Maximum	693	808	867

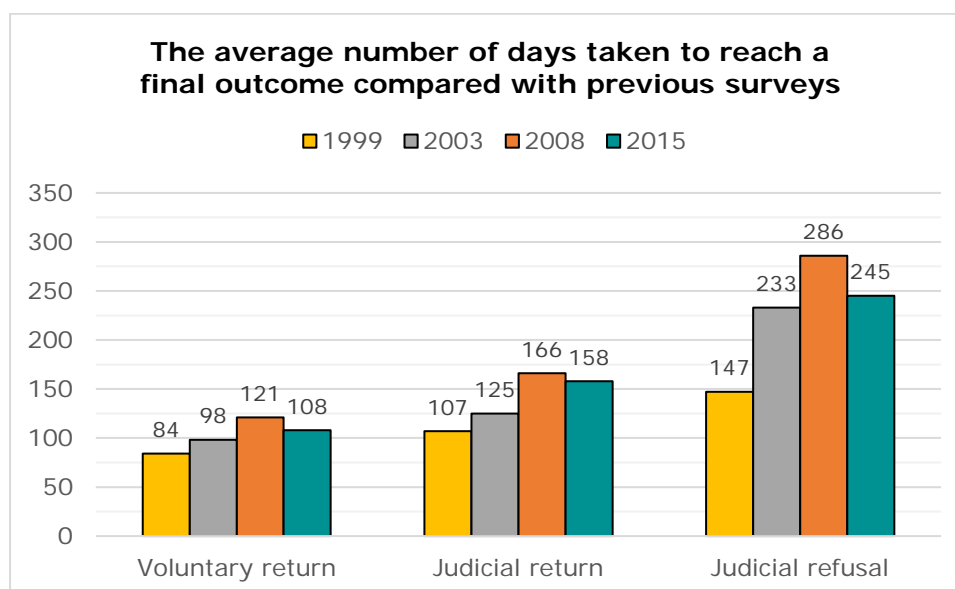
109. As in previous Surveys, voluntary returns were resolved most quickly, followed by judicial returns and then judicial refusals. For applications ending in judicial return, those which were resolved with the consent of the parties took an average of 104 days compared with 150 days for returns which were ordered without consent.

110. Additionally, 128 applications remained pending at the cut-off date of 30 June 2017. This means that these applications would have taken at least 18 months and up to two and a half years to resolve (547-913 days).

³² The French version reads: 'Lorsque l'autorité judiciaire ou administrative saisie n'a pas statué dans un délai de six semaines à partir de sa saisine, le demandeur ou l'Autorité centrale de l'Etat requis de sa propre initiative ou sur requête de l'Autorité centrale de l'Etat requérant, peut demander une déclaration sur les raisons de ce retard.' (emphasis added).

³³ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. The full text of the Regulation can be found at: < <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R2201:EN:HTML> >.

³⁴ Data on timing was available for 1,219 applications.



111. As the graph above shows, voluntary returns, judicial returns and judicial refusals were generally all resolved more quickly than in 2008 but more slowly than in 2003 and 1999.

112. Looking in more detail at the applications ending in judicial orders for return, those concluded with the consent of the parties took an average of 104 days, compared with 163 days in 2008 and 85 days in 2003. Judicial returns without the consent of the parties took an average of 150 days compared with 204 days in 2008 and 143 days in 2003.

113. Return applications received in 2015 that ended in an order or agreement for access took an average of 142 days to resolve, compared with 154 days in 2008 and 188 days in 2003.

114. Of the applications that were decided in court, the average time taken to reach a decision was 179 days, compared with 206 days in 2008. These figures include applications decided on appeal which will be discussed in more detail below.³⁵

b. Timing and the Contracting States

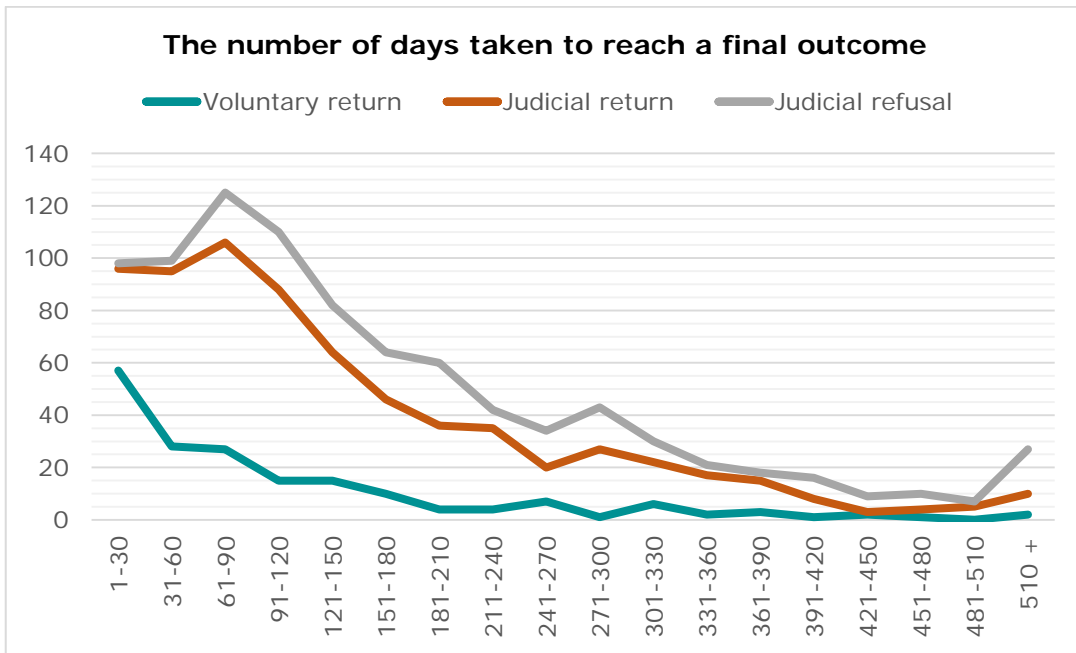
115. There were, of course, significant differences between Contracting States in the time taken to determine applications. Annex 7 shows the average time taken to resolve applications and the Central Authorities which received them.

116. The applications received by some States were resolved significantly quickly, given the number of applications they received. For example, Denmark (82 days, 14 applications), England and Wales (90 days, 228 applications), Norway (89 days, 15 applications), Scotland (87 days, 20 applications) and South Africa (77 days, 10 applications). By contrast, applications received by Brazil, Peru and Ukraine took much longer to conclude (297 days, 23 applications; 321 days, 10 applications, and 300 days, 15 applications, respectively).

c. Timing and outcomes

117. The graph below shows how many applications were decided within time bands of 30 days.

³⁵ See Section D.6.e.

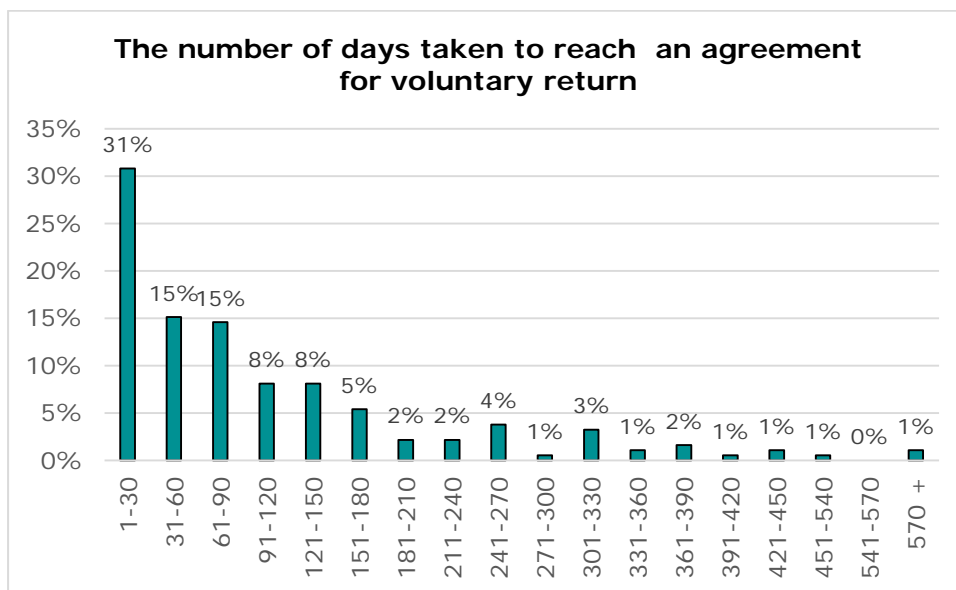


118. 185 applications took over 300 days to resolve (15%). This can be compared with 21% in 2008, 12% in 2003 and 5% in 1999. The table below analyses the applications ending in a voluntary return, judicial return or judicial refusal. It shows the number of applications ending in each outcome which took over 300 days to resolve.

The number of applications taking over 300 days to resolve compared with previous Surveys

	1999	2003	2008	2015
Voluntary return	8	7	21	17
Judicial return	12	25	77	67
Judicial refusal	6	45	101	54
Total	26	77	199	138

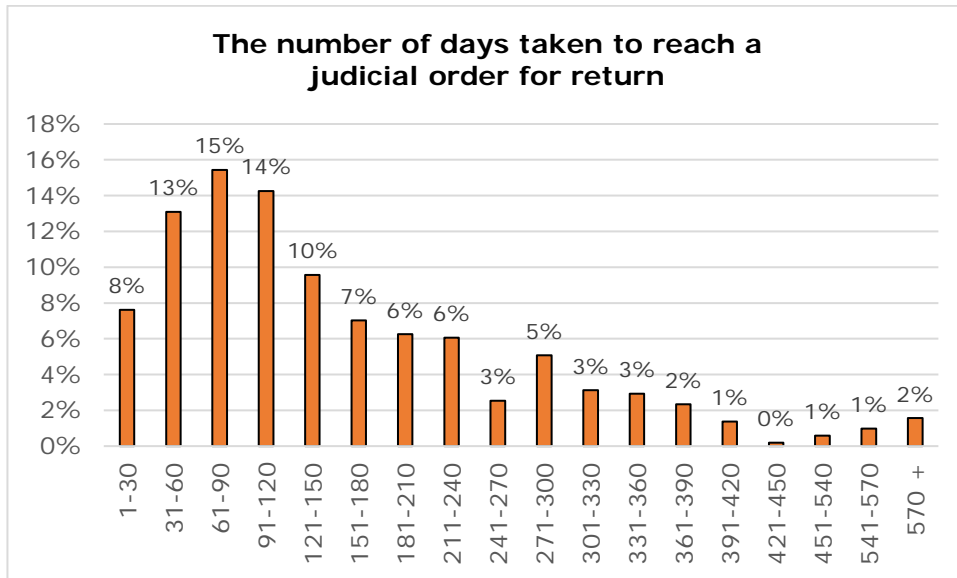
i. Timing and voluntary returns



119. Of all outcomes, voluntary returns were, on average, resolved the most quickly with 61% concluded in 90 days or fewer. This can be compared with 58% in 2008, 60% in 2003 and 67%

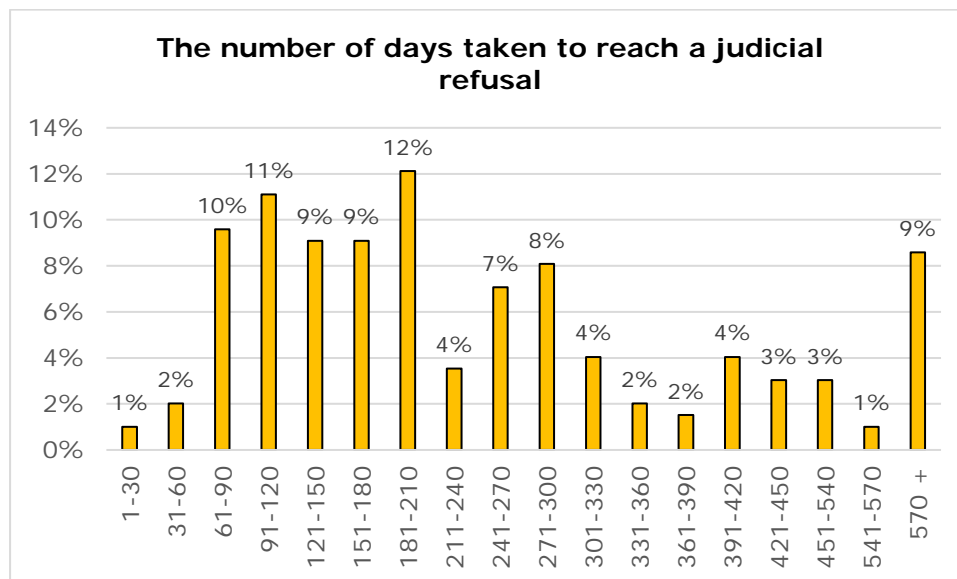
in 1999. Similarly, looking at applications resolved in fewer than 31 days, in 2015, 31% were resolved in this time compared with 24% in 2008, 34% in 2003 and 42% in 1999.

ii. *Timing and judicial return orders*



120. In contrast to the general trend of applications being resolved more quickly, in 2015 only 36% of applications ending in a judicial order for return were resolved in fewer than 90 days compared with 43% in 2008, 51% in 2003 and 59% in 1999.

iii. *Timing and judicial refusals*

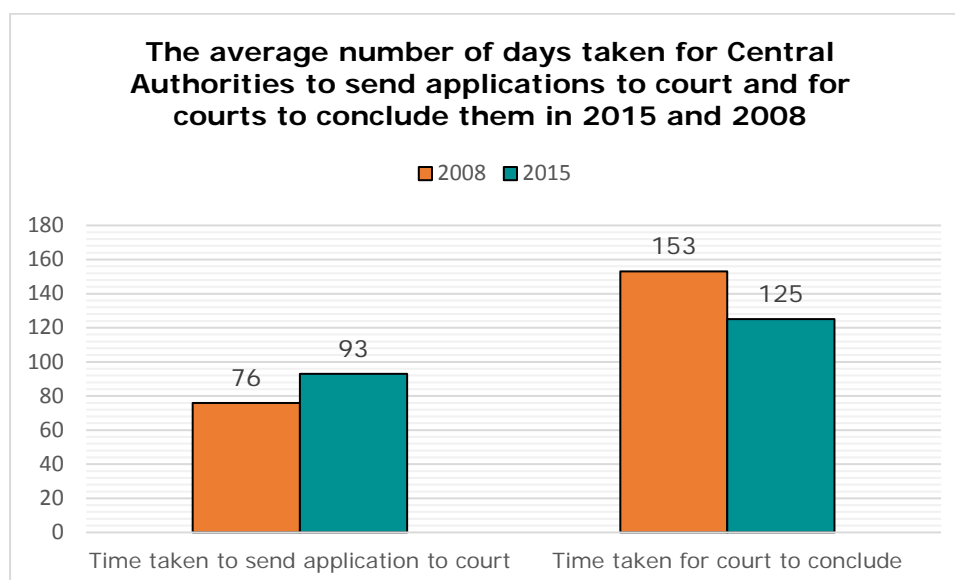


121. As in previous Surveys, the disposal of judicial refusals tend to peak and trough over time. Only 3% were decided within 60 days, half the applications took between 61 - 210 days and a considerable proportion took over 210 days to conclude. A lower proportion of applications took over 570 days in 2015, compared with 10% in 2008 but only 2% in 2003.

122. As with applications ending in judicial orders for return, the overall average time taken to conclude a judicial order for refusal was quicker in 2015 but the number of applications resolved in fewer than 91 days decreased. In 2015, 13% were concluded in this time compared with 15% in 2008 and 21% in 2003. Similarly, fewer judicial refusals were concluded in less than 31 days (two applications, compared with four applications in 2008, three in 2003 and four in 1999).

- d. *The time taken for Central Authorities to send the application to court and the time taken for the court to dispose of the case*

123. In 2015, Central Authorities took an average of 93 days to send applications to court and the courts took a further 125 days on average to reach a final order.³⁶ The 2008 Survey was the first to record this data and in that year it took an average of 76 days to send applications to court and a further 153 days for them to be resolved. The graph below shows more clearly that, in 2015, it took longer to send applications to court but that court proceedings were resolved more quickly.



124. Annex 8 shows this information by the Central Authorities which received the application. Some Central Authorities sent applications to court very quickly, even if they received a large number of applications. Notably, Denmark took an average of 3 days (information available in 15 applications), Uruguay 7 days (12 applications), England and Wales 13 days (31 applications),³⁷ New Zealand 18 days (27 applications) and Norway 19 days (18 applications).

125. By contrast some Central Authorities took longer to send applications to court. In Ukraine the average was 261 days (information available in 12 applications), in Brazil 237 days (33 applications), in Colombia 235 days (13 applications) and in the USA 142 days (143 applications).

126. The time that the national courts took to conclude applications also varied. Looking at Central Authorities that were able to provide information on more than 10 applications, cases were disposed of quickly by the courts in: United Kingdom – Scotland at an average of 43 days (14 applications), Norway in 69 days (15 applications), Latvia in 70 days (14 applications), England and Wales in 76 days (28 applications), Denmark in 79 days (14 applications) and in Germany 82 days (49 applications).

127. By contrast, the courts in Paraguay took 268 days, on average, to resolve 13 applications and, in Romania, 201 days for 30 applications.

³⁶ Information on the date the application was sent to court was available in 909 applications. At least an additional 38 applications were sent directly to court before an application was made with the Central Authority, as permitted by Art. 29. The dates for both when the application was received by the court and the final decision were available in 704 applications.

³⁷ Information was only available in a small proportion of the applications received by England and Wales as the Central Authority does not record this detail as a matter of routine. However, we know from other studies that this is an accurate representation and, in fact, many applications were sent to court more quickly. See *The Timing of 1980 Hague Abduction Convention Applications: the 2011 Findings* by Professor Nigel Lowe and Victoria Stephens, Cardiff Law School 2012, available at: < <http://www.nuffieldfoundation.org/news/our-system-dealing-international-child-abductions-under-threat> >.

e. *Timing and appeals*

128. Appealed cases are likely to have taken longer to conclude due to both the time taken for more than one court hearing and the potential for complexity in the case. These decisions may skew the overall average time taken to reach a final settlement.

129. The average time taken to reach a first instance decision from the date the application was received by the Central Authority was 179 days³⁸ which is slower than the 168 days in 2008. Applications then took a further 108 days on average to reach a final decision on appeal which is quicker than the 141 days taken, on average, in 2008.³⁹

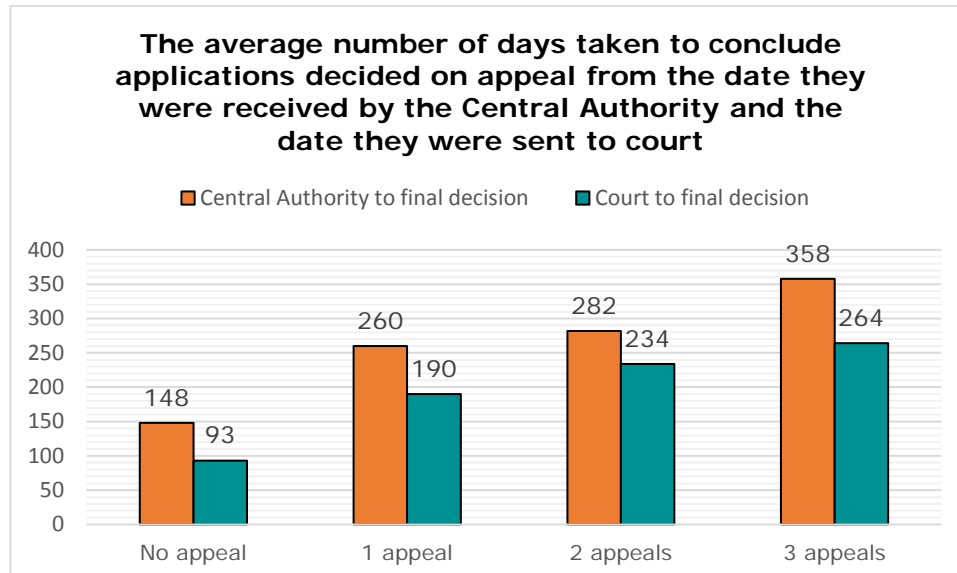
130. Overall, applications decided on appeal took an average of 266 days to conclude, from the date they were received by the Central Authority, compared with 324 days in 2008.⁴⁰

The average number of days taken to conclude an application decided on appeal

	Judicial return by consent	Judicial return not by consent	Judicial refusal
Mean	167	249	290
Minimum	47	32	37
Maximum	343	649	867

131. The table above compares the average time taken to reach different outcomes. This can be compared with 2008 when it took an average of 280 days to reach a judicial return by consent, 281 days for a judicial return not by consent and 369 days for a judicial refusal.

132. As can be seen from the graph below, the time taken also depended on how many times the application was appealed. The majority of applications (81%, 240 out of 295 appealed applications) involved only one appeal.



133. Applications which were appealed only once took an average of 260 days to conclude from the day they were received by the Central Authority (or 190 days from the day they were sent to court).⁴¹ A further 48 applications were appealed twice, these took 282 days to conclude

³⁸ Information on the date the application was decided at first instance was available in 244 applications.

³⁹ Information on the date the application was decided at first instance and on appeal was available in 197 applications.

⁴⁰ Information on the date the application was received and of the final decision was available in 225 applications decided on appeal.

⁴¹ Based on 187 applications where information was available on the date received and the date of final outcome and 172 outcomes where information was also available on the date the application was sent to court.

from the date they were received by the Central Authority (234 days from the date they were sent to court).⁴² The 7 applications that were appealed three times took an average of 358 days to conclude (264 days from the date they were received by the court).⁴³

134. This can be compared with an average of 148 days to conclude an application which went to court but was not appealed (93 days from the date it was received by the court).⁴⁴

⁴² Based on 35 applications where information was available on the date received and the date of final outcome and 28 outcomes where information was also available on the date the application was sent to court.

⁴³ Based on 5 applications where information was available on the date received and the date of final outcome and 5 outcomes where information was also available on the date the application was sent to court.

⁴⁴ Based on 540 applications where information was available on the date received and the date of final outcome and 357 outcomes where information was also available on the date the application was sent to court.

E. ACCESS APPLICATIONS

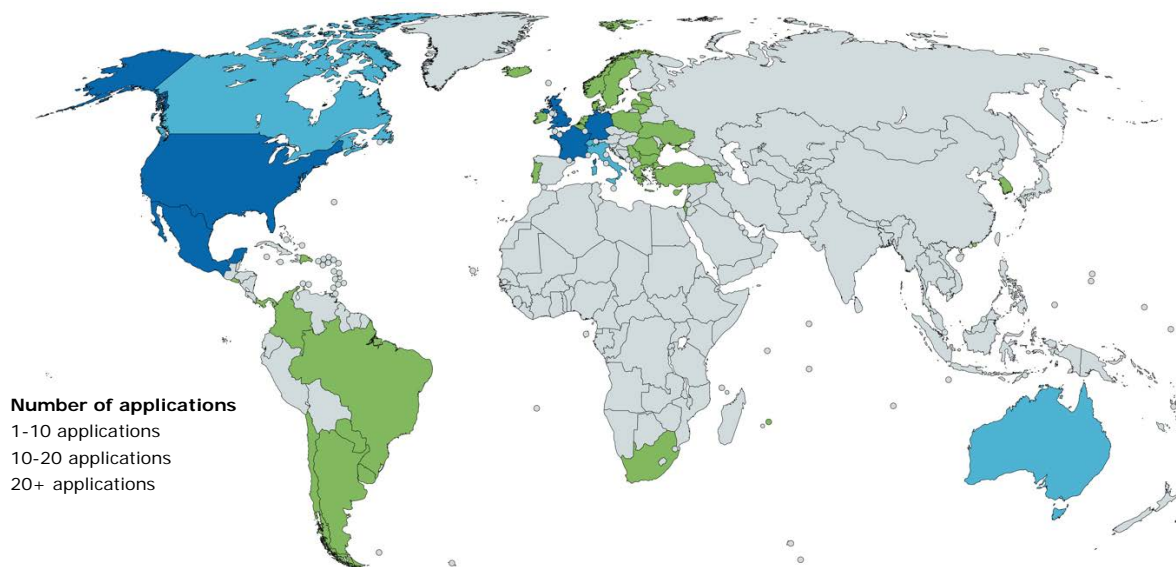
1. The number of access applications

135. Of the 76 States which responded to the Survey in 2015, 47 States received a total of 382 access applications. This can be compared with 360 applications received by 42 States in 2008; 238 applications received by 27 States in 2003 and 197 applications received by 25 States in 1999.

136. When compared with the States that responded to the Survey in both 2015 and 2008, there was a 3% decrease in the number of access applications but a 41% increase in States that responded to both the 2015 and 2003 Surveys.⁴⁵

137. Overall, access applications made up 14% of all 2,652 applications under the 1980 Hague Convention in 2015 (2,270 for return and 382 for access), as against 16% in both 2008 and 2003 and 17% in 1999.

The number of access applications received by each State in 2015



138. As found in previous Surveys, more applications were received by the USA than by any other Contracting State (66 applications) followed by England and Wales (58 applications). By contrast, a number of States received no access applications.⁴⁶

139. Annex 9 compares the number of access applications received by States in 2015 with previous Surveys. Some States received a significantly large increase in access applications, compared with 2008. The number received by Mexico increased by 250%, Switzerland by 55%, England and Wales by 53%, USA by 43%, and France by 32%. By contrast, Sweden received 73% fewer applications in 2015 and the number received by both Ireland and the Netherlands decreased by 54%.

140. Overall, 21 States received more applications in 2015 compared with 2008, 16 received the same number and 21 received fewer applications.

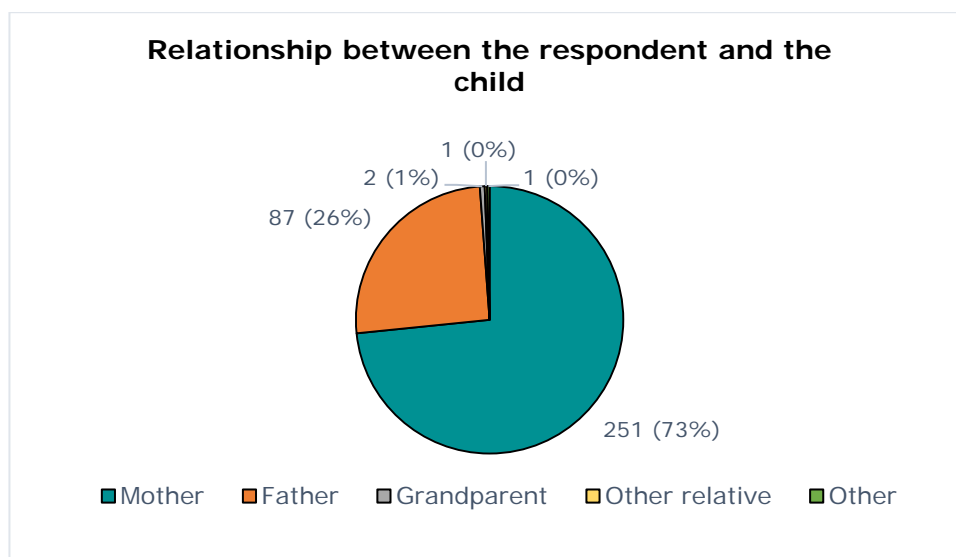
2. The respondent

⁴⁵ Calculated from information on the applications received by 55 States that responded in 2015 and 2008 and 50 States that responded in 2015 and 2003.

⁴⁶ Andorra, Armenia, Austria, Belarus, Burkina Faso, Costa Rica, Croatia, Czech Republic, Finland, Georgia, Guinea, Honduras, Hungary, Luxembourg, Malta, Mauritius, Moldova, Montenegro, Morocco, New Zealand, Nicaragua, San Marino, Singapore, Seychelles, Slovakia, Slovenia, Spain, and Trinidad and Tobago. In addition, no access applications were received by the Canadian Central Authorities of Newfoundland, Nova Scotia, New Brunswick, North West Territories, Nunavut, Prince Edward Island, Saskatchewan, Yukon, nor by the United Kingdom Central Authorities of Anguilla and Bermuda, Cayman Islands, Isle of Man and Jersey.

a. *The relationship between the respondent and the child*⁴⁷

141. In 2015, 73% of taking persons were the mothers of the children involved compared with 79% in 2008 and 2003. 26% were fathers (compared with 19% in 2008 and 18% in 2003) and the remaining 1% involved grandparents, institutions or other relatives, such as step-parents or siblings.



142. Looking at States which received over 10 applications, some received a significantly high proportion involving respondent mothers. In Japan, 94% involved respondent mothers (17 out of 18 applications in which outcomes were known), 84% in England and Wales (46 out of 55 applications), 82% in Switzerland (14 out of 17 applications) and 81% in France (21 out of 26 applications).

143. Conversely, other States received high numbers of applications in which the respondent was the father. 41% of applications received by USA involved respondent fathers (26 out of 63 applications) and 34% in Germany (10 out of 29 applications).

b. *The status of the respondent as carer to the child*

144. Not all States were able to provide information on the status as carer of the respondent but for the 173 cases in which information was available, 71% of respondents were the child's primary carer, 21% a joint primary carer and 8% a non-primary carer.⁴⁸

145. Overall 92% of respondents in 2015 were the primary or joint-primary carer of the children involved. This can be compared with 100% in 2008 – 90% a primary carer and 10% a joint-primary carer.

146. A higher proportion of respondent mothers were the primary carer of the child, compared with respondent fathers. 76% of mothers were the primary carer of the child, 20% a joint primary carer and 4% a non-primary carer.⁴⁹ For respondent fathers, 53% were a primary carer, 22% a joint primary carer and 25% a non-primary carer.⁵⁰

⁴⁷ Information on the relationship between the respondent and the child was unavailable in 30 applications.

⁴⁸ This includes one application in which the respondent mother was a joint-primary carer of one child involved in the application and a non-primary carer of the other child.

⁴⁹ Based on 104 applications, 28 applications and 5 applications, respectively.

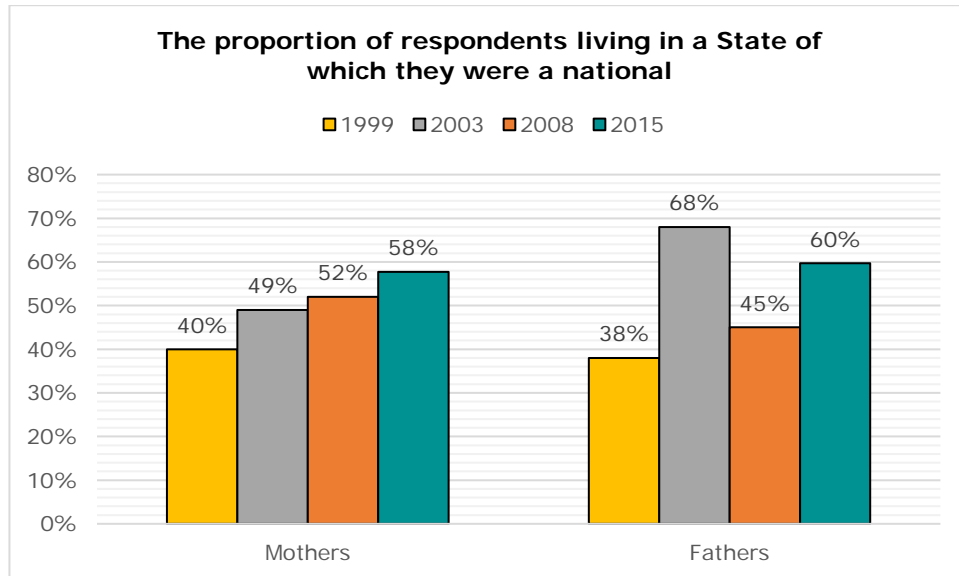
⁵⁰ Based on 19 applications, 8 applications and 9 applications, respectively.

c. *The nationality of the respondent*

147. In 2015, 58% of access applications involved a respondent who was a national of the State to which they had moved with the child.

148. This is higher than the 50% recorded in 2008, 53% in 2003 and 40% in 1999.

149. Whether the respondent was the mother or the father of the child did not make a significant difference to whether they were a national of the Requested State. 58% of respondent mothers were living in a State of which they were a national compared with 60% of respondent fathers.⁵¹



3. The children

150. At least 481 children were involved in the 382 access applications received in 2015,⁵² making an average of 1.3 children per application, the same figure as in 2008. This can be compared with 1.4 in 2003 and 1999.

151. The majority of access applications involved just one child - 75% compared with 72% in 2008, 71% in 2003 and 69% in 1999.

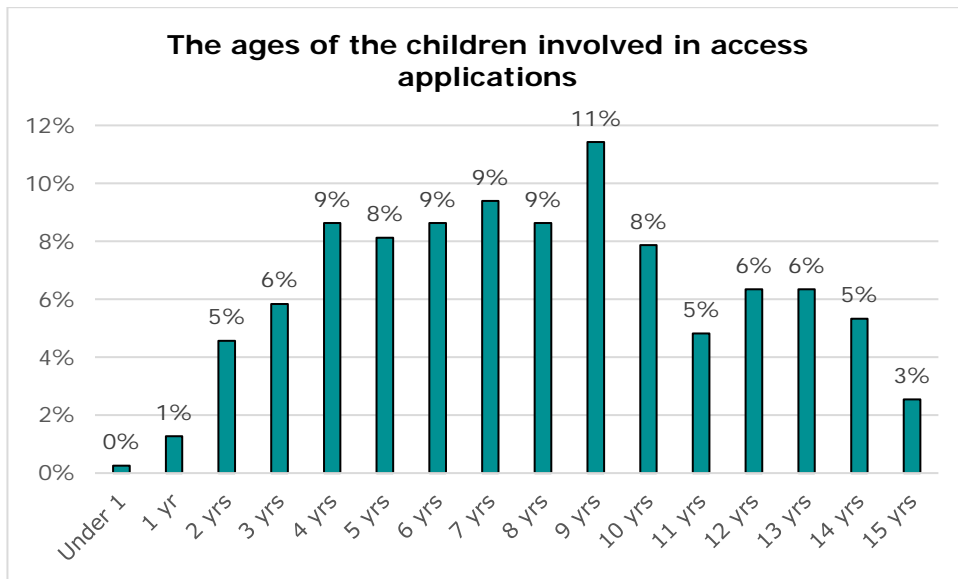
a. *The age of the children*

152. In 2015 the average age of a child involved in an access application was 8.0 years compared with 7.8 years in 2008 and 7.9 years in 2003. As in previous Surveys, if the respondent was the mother of the child the average age was lower (7.5 years) compared with if the respondent was the father of the child (9.2 years). In 2008 the average ages were almost identical at 7.5 years and 9.1 years, respectively.

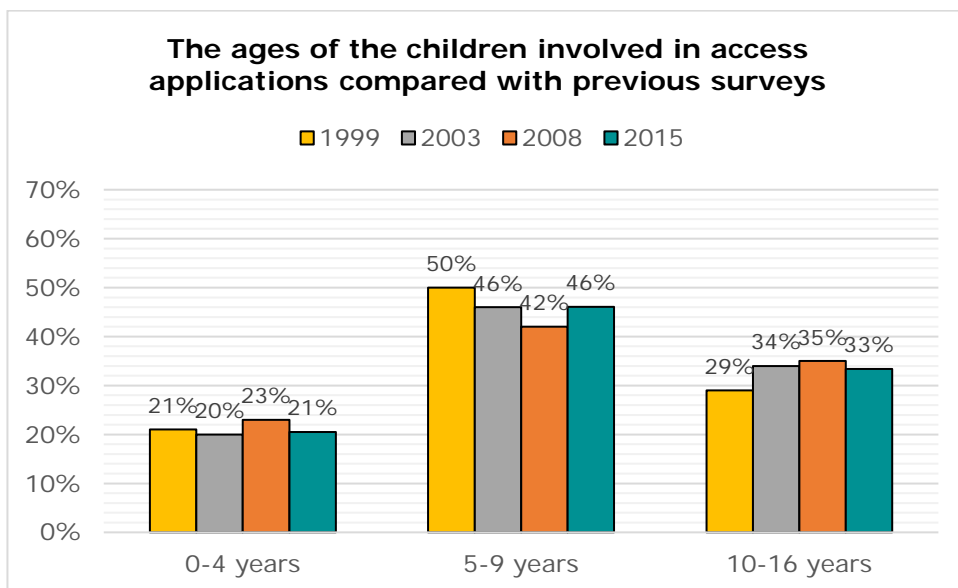
⁵¹ Based 220 applications involving respondent mothers and 72 applications involving respondent fathers where information on their nationality was available. 127 mothers and 43 fathers were living in a state of which they were a national.

⁵² Data was available in 340 of the 382 access applications involving 439 children and at least one child must have been involved in the remaining 42, making a total of 481 children.

153. The graph below shows the age distribution of children involved in access applications in 2015.



154. The graph below compares these findings with those of previous Surveys, from which it can be seen that the overall pattern has been broadly consistent.



b. The gender of the children

155. In 2015, 51% of children involved in access applications were female and 49% male. These findings have not changed significantly from previous Surveys with 49% female and 51% male in 2008, 45% and 55%, respectively, in 2003 and exactly 50%:50% in 1999.

4. Outcomes

156. The following is an analysis of all access applications received in 2015, regardless of whether the outcome in the cases was reached in that year, or later, or ever at all. Applications that were still unresolved at 30 June 2017 have been classed as "pending".⁵³

⁵³ Information on the outcome was unavailable in 68 applications.

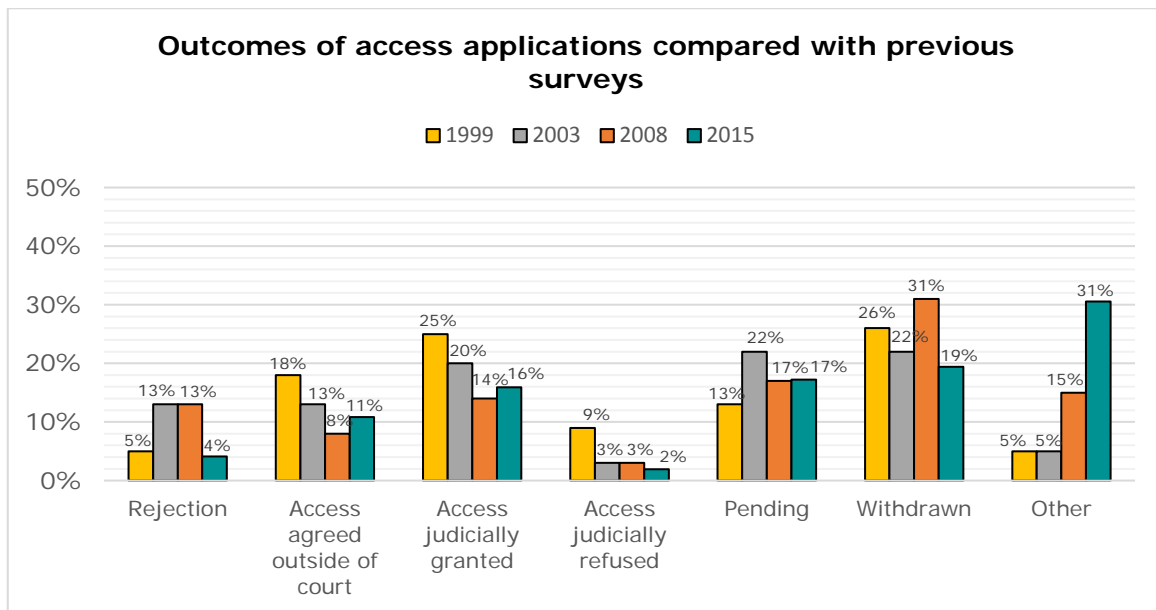
a. Overall outcomes

The outcomes of access applications received in 2015

	Frequency	Percentage
Rejection	13	4%
Access agreed outside of court	34	11%
Access judicially granted	50	16%
Access judicially refused	6	2%
Pending	54	17%
Withdrawn	61	19%
Other	96	31%
Total	314	100%

157. The overall rate at which access was agreed or ordered was 27% in 2015, comprising 11% access agreements and 16% access orders. This can be compared with 21% in 2008 and 33% in 2003.

158. A high proportion of applications were withdrawn (19%) or ended in "other" outcomes (31%). Of these 96 "other" outcomes, 49 were closed due to "parent inaction", 4 because the child was not traced, and the remaining 43 for a variety of reasons such as the child reaching the age of 16, being traced to another State or the parent being unable to continue without legal aid.



159. The graph above compares the outcomes of access applications in 2015 with those in previous Surveys. For the first time, the proportion of applications ending in an order or agreement for access increased in comparison with the previous Survey (27% compared with 21% in 2008). However, this is still a decrease on the 33% recorded in 2003 and 43% in 1999.

160. A high proportion of applications ended in "other" outcomes. However, 49 of these applications (16%) of all applications ended due to the inaction of the applicant. Arguably, these applications could be placed in a similar category to those which were officially withdrawn. If these "other" applications are added to the "withdrawn" applications the outcomes are similar to the 2008 Survey, with 36% ending in a withdrawal and 15% in other outcomes.

161. In 2015, 88% of applications decided in court ended in an order for access (50 out of 57 applications).⁵⁴ This can be compared with 81% in 2008, 87% in 2003 and 74% in 1999.

b. Outcomes by the States which received the applications

162. Annex 10 shows the outcomes of applications by the Central Authorities which received them. The overall rates at which access was agreed or ordered varied between States, a significantly high proportion of applications ended in some form of access in applications received by Mexico (67%, 14 out of 21 applications) but a much lower proportion in applications received by Venezuela (11%, 2 out of 18 applications).

163. Similarly, with other outcomes, a large proportion of applications were pending in the USA (38%, 25 out of 65 applications) and a large proportion of those received by England and Wales were withdrawn (42%, 24 out of 57 applications). In Germany and France, a relatively large proportion of applications ended in "other" outcomes (78%, 14 applications, and 71%, 17 applications, respectively). In both cases a large number of these "other" outcomes were due to the inaction of the applicant (12 in Germany and 7 in France).

c. Cases decided under the 1980 Hague Convention and under domestic law

164. Different interpretations of Article 21 of the 1980 Hague Convention and, in particular, about whether it imposes any obligation upon the court, mean that some access applications were judicially resolved as a 1980 Hague Convention cases and others under domestic law.

165. 50 applications ended with a judicial order for access. Of these, 68% were made under the 1980 Hague Convention and 32% under domestic law.⁵⁵ In 2008, these figures were 45% and 55%, respectively. Information on the nature of orders for refusal was only available in two applications – one order made under the 1980 Hague Convention and one under domestic law.

166. As can be seen from the table below, in some States applications were decided only under domestic law, some were only resolved as a 1980 Hague Convention case and, in others, access cases were decided both under domestic law and under the 1980 Hague Convention.

Access applications decided under the 1980 Hague Convention and domestic law

	Access judicially granted - as Hague application	Access judicially granted - under domestic law	Access judicially refused - as Hague application	Access judicially refused - under domestic law	Total
Belgium	1				1
Bosnia and Herzegovina		1			1
Chile	1				1
France		1			1
Japan	1				1
Lithuania		1			1
Mexico	12			1	13
Serbia	1				1
Switzerland	1				1
Turkey	1				1
Ukraine	1				1
UK - England and Wales		9			9
UK - Scotland			1		1
United States	6				6
Uruguay	1				1
Total	26	12	1	1	40

⁵⁴ Of the 57 applications decided in court, 50 ended in an order for access, 6 in a judicial refusal and one in an outcome recorded as 'other'.

⁵⁵ Information was available in 40 applications, 38 ending in an order for access (26 under the Hague Convention and 12 under domestic law) and 2 ending in a refusal (1 under the Hague Convention and 1 under domestic law).

d. *Rejected applications*

167. In 2015, 4% of access applications (13 applications) were rejected by Central Authorities. This is considerably less than the 13% rejected both in 2008 and 2003 but broadly in line with the 5% in 1999.

168. Detailed reasons for rejection were not recorded in the INCASTAT database, though each of the 13 applications was rejected based on Article 27.

5. Appeals

169. Of the 57 applications decided in court, 5 decisions were appealed (9%). This finding is in line with the 9% recorded in 2008 and 11% in 2003.

6. Timing

a. *The timing between application and outcome*⁵⁶

170. The average number of days to arrive at a final settlement in access applications was 254 days, compared with 339 days in 2008.

171. As shown in the table below, the average time varied considerably depending on the outcome which was reached.

The average number of days taken to reach different outcomes in access applications in 2015

	Access agreed outside court	Access judicially granted	Access judicially refused
Mean	97	291	266
Minimum	21	49	139
Maximum	178	658	393

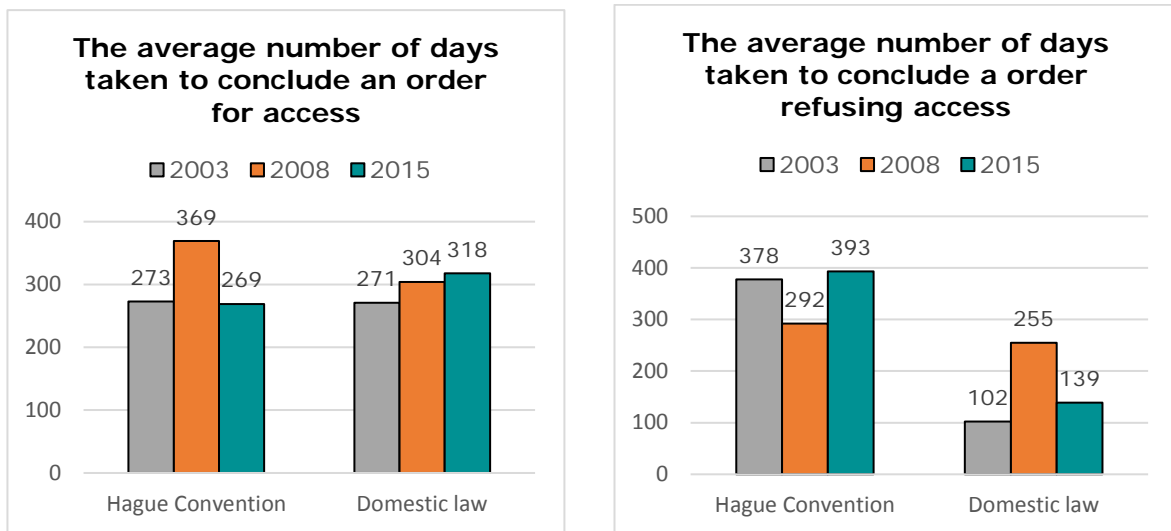
172. The average time taken to reach a final outcome has decreased significantly since the 2008 Survey. An agreement for access took an average of 97 days, compared with 309 days in 2008, a judicial decision for access took 291 days compared with 357 days in 2008 and a judicial refusal took 266 days compared with 276 days in 2008.

b. *Timing and whether the decision was made under the 1980 Hague Convention or under domestic law*

173. In 2015 it took an average of 304 days to conclude an order made under domestic law and 274 days to conclude an order under the 1980 Hague Convention.

174. The table below compares these findings with those in 2008 and 2003, though it should be noted that the figures are based on very small numbers.

⁵⁶ Data was only available in 61 applications.



c. Timing and the Contracting States

175. There were, of course, significant differences found between Contracting States. Annex 11 shows these differences in more detail.

d. The time taken for Central Authorities to send the application to court and the time taken for the court to dispose of the case

176. In 2015, Central Authorities took an average of 119 days to send an access application to court and the courts took a further 173 days on average to reach a final order.⁵⁷

e. Timing and appeals

177. In the 5 appealed applications, it took an average of 368 days to reach a first instance decision and 433 days to reach a decision on appeal, from the date the application was received by the Central Authority.

178. All of the appeals in 2015 ended in a final order for access. In 2008, three applications ended in this way and these took 255, 582 and 638 days to conclude.

F. COMPARISON BETWEEN RETURN AND ACCESS APPLICATIONS

1. The number of applications

179. As in previous Surveys, the vast majority of applications made under the 1980 Hague Convention in 2015 were for return (86%).

180. 80 Contracting States received return applications in 2015 compared with 68 States in 2008 and 61 in 2003. By contrast, only 49 received access applications compared with 50 States in 2008 and 40 in 2003.⁵⁸

181. Annex 1 shows the return and access applications received by each State in 2015. Strikingly, 46% of applications received by Japan were for access (18 out of 39 applications).

2. The taking person and the respondent

182. In return applications 73% of taking persons were mothers, the same proportion as of respondents in access applications. This does not reflect the pattern found in previous Surveys

⁵⁷ Based on 104 access applications sent to court and 41 applications where the final decision was made in court. For a number of applications the date of the final court decision was not available or the application was sent to court and later withdrawn or resolved outside of court.

⁵⁸ All these figures include estimated numbers recorded in outgoing cases in the INCASTAT database.

where a higher proportion of respondents in access applications were mothers compared with taking persons in return applications. In 2008, 69% of taking persons were mothers and 79% of access respondents, compared with 68% and 79%, respectively, in 2003.

183. The same proportion of taking persons or respondents were found to be "going home" to a State of which they were a national. In 2015, 58% of taking persons in return applications and 58% of respondents in access applications had the same nationality as the Requested State.

184. This was not the case in previous Surveys where proportionally more taking persons in return applications were found to have been "going home". In 2008, this figure was 60% of taking persons in return applications and 50% of respondents in access applications, in 2003 this was 55% and 53%, and in 1999, 52% and 40%, respectively.

3. The children

185. As found in previous Surveys, access applications were slightly more likely to involve single children, 75% compared with 70% of return applications. This can be compared with 72% for access applications and 69% for return in 2008, 71% and 67%, respectively, in 2003 and 69% and 63%, in 1999.

186. On average, children involved in access applications were older than those involved in return applications. In 2015, the average age of a child in an access application was 8 years and 6.8 years in a return application. This can be compared with 7.8 years for access applications and 6.4 years for return applications in 2008 and 7.9 years and 6.3 years, respectively, in 2003.

4. Outcomes

187. With regard to outcomes, the overall return rate of 45% in return applications can be compared with access being agreed or ordered in 27% of access applications. In previous Surveys these return and access rates were 46% and 21%, respectively, in 2008, 51% and 33% in 2003 and 50% and 43% in 1999.

188. As in 2008, proportionally more access applications were pending compared with return applications (17% as against 6%, compared with 17% and 8%, respectively in 2008) and more access applications were withdrawn (19% as against 14%, compared with 31% and 18%, respectively in 2008). Fewer access applications were refused (2% as against 12% of return applications, compared with 3% and 15% in 2008) and, in contrast to previous Surveys, fewer were rejected (4% as against 3% of return applications, compared with 13% and 5% in 2008).

5. Appeals

189. Strikingly, only 9% of court decisions in access applications were appealed, as against 31% in return applications. This can be compared with 9% and 24%, respectively, in 2008.

6. Timing

190. Access applications were markedly slower to reach a conclusion than return applications with the average access application taking 254 days compared with 164 days for a return application. This can be compared with 339 days for an access application and 188 days for a return application, in 2008.

191. Interestingly, however, where a return application ended in a voluntary agreement to return it took an average of 108 days to resolve, compared with 97 days for a voluntary agreement in access applications.

A N N E X E S

Annex 1: The number of applications received and sent by each Central Authority in 2015

State	Incoming return applications	Incoming access applications	Outgoing return applications	Outgoing access applications	Total
Andorra	0	0	0	0	0
Argentina	14	7	31	11	63
Armenia	2	0	0	0	2
Australia	45	11	63	6	125
Austria	20	0	29	0	49
Belarus	8	0	0	0	8
Belgium	27	8	91	10	136
Bosnia and Herzegovina	3	1	1	1	6
Brazil	46	3	0	0	49
Bulgaria	15	1	14	2	32
Burkina Faso	1	0	0	0	1
Canada	43	12	35	12	102
Canada - Alberta/Calgary	0	0	0	0	0
Canada - Alberta/Edmonton	0	1	4	1	6
Canada - British Columbia	8	1	11	2	22
Canada - Manitoba	0	1	0	0	1
Canada - New Brunswick	1	0	0	0	1
Canada - NW Territories	0	0	0	0	0
Canada - Nunavut	0	0	0	0	0
Canada - Ontario	22	4	16	9	51
Canada - PEI	0	0	0	0	0
Canada - Quebec	10	5	3	0	18
Canada - Saskatchewan	2	0	1	0	3
Canada - Yukon	0	0	0	0	0
Chile	12	4	9	3	28
China	6	1	0	0	7
China - Hong Kong	5	1	0	0	6
China - Macao	1	0	0	0	1
Colombia	55	9	44	13	121
Costa Rica	9	0	8	0	17
Croatia	2	0	11	8	21
Cyprus	3	1	0	0	4
Czech Republic	33	0	32	0	65
Denmark	15	3	25	3	46
Dominican Republic	13	2	10	3	28
El Salvador	5	1	8	0	14
Estonia	6	1	4	3	14
Fiji	4	0	2	0	6

State	Incoming return applications	Incoming access applications	Outgoing return applications	Outgoing access applications	Total
Finland	2	0	18	0	20
France	105	29	122	38	294
Georgia	4	0	3	0	7
Germany	172	29	219	37	457
Greece	12	1	14	1	28
Guinea	0	0	1	0	1
Honduras	2	0	9	0	11
Hungary	14	0	40	1	55
Iceland	3	1	0	0	4
Ireland	40	6	50	4	100
Israel	14	2	28	2	46
Italy	55	13	156	19	243
Japan	21	18	24	9	72
Korea, Republic of	6	1	NR	NR	7
Latvia	15	2	0	0	17
Lithuania	18	2	32	10	62
Luxembourg	4	0	14		18
Malta	1	0	0	0	1
Mauritius	5	1	2	1	9
Mexico	83	21	169	33	306
Moldova, Republic of	5	0	5	1	11
Monaco	4	0	0	0	4
Montenegro	0	0	0	0	0
Morocco	8	0	0	0	8
Netherlands	31	6	69	12	118
New Zealand	31	0	16	2	49
Nicaragua	15	0	23	2	40
Norway	18	4	28	2	52
Panama	3	1	2	0	6
Paraguay	21	4	22	4	51
Peru	28	4	0	0	32
Poland	49	3	85	5	142
Portugal	21	1	0	0	22
Romania	74	1	12	2	89
Russia	44	2	NR	2	48
San Marino	0	0	0	0	0
Serbia	9	1	0	0	10
Seychelles	0	0	0	0	0
Singapore	3	0	8	2	13
Slovakia	32	0	20	0	52

State	Incoming return applications	Incoming access applications	Outgoing return applications	Outgoing access applications	Total
Slovenia	1	0	4	0	5
South Africa	13	4	12	1	30
Spain	92	0	112	0	204
Sweden	25	3	28	2	58
Switzerland	40	17	0	0	57
Trinidad and Tobago	6	0	0	0	6
Turkey	82	2	15	5	104
Ukraine	27	4	38	3	72
United Kingdom	294	62	249	44	649
UK - Cayman Islands	0	0	3	1	4
UK - England and Wales	261	58	220	39	578
UK - Isle of Man	1	0	0	0	1
UK - Jersey	1	0	0	0	1
UK - Northern Ireland	6	2	10	1	19
UK - Scotland	25	2	16	2	45
United States	313	66	183	35	597
Uruguay	12	4	5	1	22
Venezuela	6	2	0	0	8
Total	2 270	382	2 254	355	5 261

**Annex 2: The number of return applications received by each State in 2015
compared with 2008, 2003 and 1999**

Note that applications received and sent by the United Kingdom Central Authorities have been considered separately due to the large number of applications received by England and Wales and Scotland.

	1999	2003	2008	2015
Albania	N/A	N/A	0	NR
Andorra	N/A	N/A	N/A	0
Argentina	12	13	22	14
Armenia	N/A	N/A	0	2
Australia	64	43	75	45
Austria	9	12	28	20
Bahamas	NR	NR	NR	NR
Belarus	0	2	NR	8
Belgium	9	25	40	27
Belize	NR	2	NR	NR
Bosnia and Herzegovina	3	5	NR	3
Brazil	NR	NR	27	46
Bulgaria	N/A	0	21	15
Burkina Faso	NR	1	NR	1
Canada	36	56	49	43
Chile	7	17	14	12
China	4	5	6	6
Colombia	4	NR	33	55
Costa Rica	NR	NR	3	9
Croatia	7	3	3	2
Cyprus	NR	8	4	3
Czech Republic	5	11	15	33
Denmark	11	12	15	15
Dominican Republic	N/A	N/A	8	13
Ecuador	NR	NR	14	NR
El Salvador	N/A	0	0	5
Estonia	N/A	1	5	6
Fiji	N/A	NR	NR	4
Finland	2	6	8	2
France	42	42	76	105
Gabon	N/A	N/A	N/A	NR
Georgia	NR	0	1	4
Germany	70	80	115	172
Greece	NR	19	19	12
Guatemala	N/A	0	2	NR
Guinea	N/A	N/A	N/A	0
Honduras	N/A	3	5	2

	1999	2003	2008	2015
Hungary	8	13	8	14
Iceland	4	6	4	3
Iraq	N/A	N/A	N/A	NR
Ireland	38	33	48	40
Israel	19	13	24	14
Italy	41	46	53	55
Japan	N/A	N/A	N/A	21
Kazakhstan	N/A	N/A	N/A	NR
Korea, Republic of	N/A	N/A	N/A	6
Latvia	N/A	0	8	15
Lesotho	N/A	N/A	N/A	NR
Lithuania	N/A	0	7	18
Luxembourg	0	0	2	4
Macedonia, FYR	NR	NR	NR	NR
Malta	NR	4	0	1
Mauritius	3	NR	NR	5
Mexico	41	27	168	83
Moldova, Republic of	NR	NR	NR	5
Monaco	NR	0	0	4
Montenegro	N/A	N/A	5	0
Morocco	N/A	N/A	N/A	8
Netherlands	26	26	40	31
New Zealand	39	27	37	31
Nicaragua	N/A	0	0	15
Norway	11	4	10	18
Panama	4	3	9	3
Paraguay	NR	NR	3	21
Peru	N/A	NR	NR	28
Poland	NR	18	67	49
Portugal	11	19	32	21
Romania	9	7	51	74
Russia	N/A	N/A	N/A	44
Saint Kitts and Nevis	NR	NR	NR	NR
San Marino	N/A	N/A	NR	0
Serbia	N/A	N/A	11	9
Seychelles	N/A	N/A	N/A	0
Singapore	N/A	N/A	N/A	3
Slovakia	N/A	8	NR	32
Slovenia	0	0	1	1
South Africa	8	11	18	13
Spain	36	87	88	92
Sri Lanka	N/A	1	NR	NR

	1999	2003	2008	2015
Sweden	14	22	29	25
Switzerland	11	39	26	40
Thailand	N/A	1	NR	NR
Trinidad and Tobago	N/A	NR	NR	6
Turkey	N/A	35	63	82
Turkmenistan	NR	NR	NR	NR
Ukraine	N/A	N/A	30	27
United Kingdom	166	157	221	294
UK - Bermuda	NR	0	1	0
UK - Cayman Islands	1	NR	0	0
UK - England and Wales	149	142	200	261
UK - Isle of Man	NR	1	0	1
UK - Jersey	0	0	0	1
UK - Northern Ireland	6	2	13	6
UK - Scotland	10	12	7	25
United States	210	286	283	313
Uruguay	NR	NR	7	12
Uzbekistan	N/A	NR	NR	NR
Venezuela	NR	NR	NR	6
Zambia	N/A	N/A	N/A	NR
Zimbabwe	NR	NR	NR	NR
Total	954	1 259	1 961	2 270

N/A = not applicable because not a Contracting State at the time

NR = no response received in that year

Annex 3: The taking persons in applications to each Central Authority

Central Authority	Taking person mother of the child(ren)	% of taking mothers	Taking person father of the child(ren)	% of taking fathers	Taking person other	Total number of applications
Argentina	11	85%	2	15%		13
Armenia		0%	2	100%		2
Australia	34	77%	9	20%	1	44
Belarus	8	100%		0%		8
Belgium	17	63%	8	30%	2	27
Bosnia and Herzegovina		0%	2	67%	1	3
Brazil	39	85%	7	15%		46
Bulgaria	11	73%	4	27%		15
Burkina Faso		0%	1	100%		1
Canada - British Columbia	6	75%	2	25%		8
Canada - New Brunswick	1	100%		0%		1
Canada - Ontario	20	91%	2	9%		22
Canada - Quebec	5	71%	2	29%		7
Canada - Saskatchewan	2	100%		0%		2
Chile	12	100%		0%		12
China (Macao, SAR)		0%	1	100%		1
Colombia	38	70%	15	28%	1	54
Costa Rica	8	89%		0%	1	9
Croatia	2	100%		0%		2
Cyprus	2	67%	1	33%		3
Czech Republic	28	88%	4	13%		32
Denmark	12	86%	2	14%		14
El Salvador	3	75%	1	25%		4
Estonia	5	83%	1	17%		6
Fiji	1	33%	2	67%		3
Finland	1	50%	1	50%		2
France	62	74%	22	26%		84
Georgia	3	75%		0%	1	4
Germany	142	83%	29	17%	1	172
Greece	9	75%	3	25%		12
Honduras	2	100%		0%		2
Hungary	9	75%	3	25%		12
Iceland	2	67%	1	33%		3
Ireland	34	85%	6	15%		40
Israel	11	79%	3	21%		14
Japan	19	90%	2	10%		21
Korea, Republic of	4	67%	2	33%		6
Latvia	12	80%	3	20%		15

Central Authority	Taking person mother of the child(ren)	% of taking mothers	Taking person father of the child(ren)	% of taking fathers	Taking person other	Total number of applications
Lithuania	16	89%	2	11%		18
Malta		0%	1	100%		1
Mauritius	3	60%	2	40%		5
Mexico	55	66%	28	34%		83
Moldova	4	80%	1	20%		5
Morocco	5	63%	2	25%	1	8
Netherlands	25	83%	4	13%	1	30
New Zealand	19	61%	9	29%	3	31
Nicaragua	12	92%	1	8%		13
Norway	10	56%	7	39%	1	18
Panama	3	100%		0%		3
Paraguay	16	84%	3	16%		19
Peru	17	63%	9	33%	1	27
Portugal	14	67%	6	29%	1	21
Romania	1	100%		0%		1
Serbia	6	67%	3	33%		9
Singapore	2	67%	1	33%		3
Slovakia	7	88%	1	13%		8
Slovenia	1	100%		0%		1
South Africa	11	85%	2	15%		13
Sweden	18	72%	7	28%		25
Switzerland	22	55%	17	43%	1	40
Trinidad and Tobago	3	50%	2	33%	1	6
Turkey	46	58%	31	39%	3	80
UK - England and Wales	195	76%	56	22%	5	256
UK - Isle of Man		0%	1	100%		1
UK - Jersey		0%		0%	1	1
UK - Northern Ireland	4	67%	2	33%		6
UK - Scotland	21	84%	2	8%	2	25
Ukraine	23	85%	3	11%	1	27
United States	199	64%	99	32%	15	313
Uruguay	10	83%	2	17%		12
Venezuela	6	100%		0%		6
Total	1304	73%	428	24%	44	1776

Annex 4: Outcomes by Central Authority

	Rejected	Voluntary return	Judicial return	Judicial refusal	Access	Pending	Withdrawn	Other	Total
Argentina		2	4				1		7
Armenia							1	1	2
Australia	2	4	24	7		1	3	4	45
Austria	1		1	1		9	5	3	20
Belarus				1	1	2		4	8
Belgium		7	3	2	1		7	3	23
Bosnia and Herzegovina			1	1					2
Brazil	5	4	3	4			7	2	25
Bulgaria		1	3	3			1	3	11
Canada - British Columbia		1	1	2		1	2	1	8
Canada - New Brunswick			1						1
Canada - Ontario	3	2	9	3			4	1	22
Canada - Quebec		4	1				5		10
Canada - Saskatchewan		1				1			2
Chile	1		3	4					8
China (Hong Kong, SAR)			2				1	2	5
China (Macao, SAR)								1	1
Colombia		10		3		21	7	7	48
Costa Rica		1		2			1	3	7
Croatia			2						2
Cyprus		1					1	1	3
Czech Republic		3	13	3			8	1	28
Denmark		1	8	3			2		14
Dominican Republic			10			2		1	13
Estonia			2	3				1	6
Fiji		2		2					4
Finland				1				1	2
France	4	20	18	18	4		6	13	83
Georgia		2		2					4
Germany	3	24	27	21	1	5	22	41	144
Greece					2	8	2		12
Honduras			1	1					2
Hungary		4	6	1			2	1	14
Iceland			2	1					3
Ireland		11	4	2	3	4	2	13	39
Israel	1		8	1			3	1	14
Italy	3	8	10	9			4	13	47
Japan	3	2	8	2			3	3	21

	Rejected	Voluntary return	Judicial return	Judicial refusal	Access	Pending	Withdrawn	Other	Total
Korea, Republic of		1	2			2	1		6
Latvia		2	7	4			2		15
Lithuania		4		7		1	5	1	18
Luxembourg		1	1					2	4
Malta			1						1
Mauritius	1	2			1		1		5
Mexico	10	8	28	11		1	3	7	68
Moldova		1						1	2
Monaco								4	4
Morocco			7					1	8
Netherlands	1	3					5		9
New Zealand	2	3	23	3					31
Nicaragua	3	2			2			5	12
Norway		3	6	5				3	17
Panama								3	3
Paraguay		7	3	6		2	3		21
Peru	1	2	2	1			2	10	18
Poland	1	8	7	17			14	1	48
Portugal	1	6	6	2			2	2	19
Romania	1	17	19	7		7	14	7	72
Russia	1	16		10			8	9	44
Serbia			3	2		2	1	1	9
Singapore		1							1
Slovakia			3	2			2		7
Slovenia		1							1
South Africa		3	3			2	4	1	13
Spain	5	18	24	9	1		20	8	85
Sweden		1	5			10	6	3	25
Switzerland	7	5	9	3			8	8	40
Trinidad and Tobago		1	4						5
Turkey	2	24	1				11	4	42
UK - England and Wales	2	27	121	17	36	4	41	13	261
UK - Isle of Man						1			1
UK - Jersey								1	1
UK - Northern Ireland		1			3		1	1	6
UK - Scotland		6	10	2				7	25
United States		51	81	27	1	42	23	84	309
Ukraine		7	1	4			5	4	21
Uruguay		1	9	1	1				12
Venezuela							1	2	3
Total	64	348	561	243	57	128	283	318	2 002

	Child not habitually resident in Requesting State	Applicant had no rights of custody	Art. 12	Art. 13(1)(a) not exercising rights of custody	Art. 13(1)(a) acquiescence	Art. 13(1)(a) consent	Art. 13(1)(b)	Child's objections	Article 20	More than one reason	Total
Serbia		2									2
Spain					1		1		1	3	6
Switzerland	1						2				3
Ukraine										4	4
United Kingdom - England and Wales	5				3	1		2		3	14
United Kingdom - Scotland						1	1				2
United States	10	1	3		1		3	2		1	21
Uruguay										1	1
Total	36	11	21	4	21	9	33	18	2	30	185

	Child not habitually resident in Requesting State	Applicant had no rights of custody	Art. 12	Art. 13(1)(a) not exercising rights of custody	Art. 13(1)(a) acquiescence	Art. 13(1)(a) consent	Art. 13(1)(b)	Child's objections	Article 20	Total number of reasons	Total number of applications
Serbia		2								2	2
Spain	1		2	1	2		1	1	1	9	6
Switzerland	1						2			3	3
Ukraine	2		3	2	1		2			10	4
United Kingdom - England and Wales	5			1	4	3	2	3		18	14
United Kingdom - Scotland						1	1			2	2
United States	11	2	3		1		3	2		22	21
Uruguay			1				1			2	1
Total	46	13	32	11	28	16	47	27	2	222	185

Annex 7: Applications received by each Central Authority and the time they took to conclude

State	Average number of days from receipt by Central Authority to final outcome	Number of applications for which information was available
Argentina	75	6
Armenia	55	1
Australia	176	32
Austria	99	2
Belgium	211	7
Bosnia and Herzegovina	70	2
Brazil	297	23
Bulgaria	280	7
Canada - British Columbia	175	7
Canada - New Brunswick	71	1
Canada - Ontario	139	17
Canada - Quebec	96	9
Canada - Saskatchewan	11	1
Chile	318	8
China (Hong Kong, SAR)	85	3
Colombia	231	15
Costa Rica	433	4
Croatia	278	2
Cyprus	303	1
Czech Republic	185	28
Denmark	82	14
Estonia	295	5
Finland	91	1
France	177	55
Georgia	250	3
Germany	163	55
Greece	394	3
Honduras	269	2
Hungary	136	11
Iceland	138	3
Ireland	180	25
Israel	144	11
Italy	88	8
Japan	182	18
Latvia	101	14
Lithuania	221	13
Luxembourg	75	3
Malta	410	1
Mexico	170	64

State	Average number of days from receipt by Central Authority to final outcome	Number of applications for which information was available
Moldova	18	1
Morocco	357	8
Netherlands	157	6
New Zealand	100	31
Nicaragua	28	3
Norway	89	15
Panama	148	1
Paraguay	412	6
Peru	321	10
Poland	151	44
Portugal	143	16
Romania	282	34
Serbia	212	6
Singapore	8	1
Slovakia	380	5
Slovenia	436	1
South Africa	77	10
Spain	180	42
Sweden	90	7
Switzerland	134	34
Trinidad and Tobago	118	5
Turkey	153	26
UK - England and Wales	90	228
UK - Northern Ireland	168	6
UK - Scotland	87	20
Ukraine	300	15
United States	208	139
Uruguay	129	11
Venezuela	203	3
Total	164	1 219

**Annex 8: The time taken for the Central Authority to send applications to court
and the time the court then took to finalise the application**

State	Average number of days taken to send to court	Number of applications	Average number of days taken from receipt by the court to final decision	Number of applications
Argentina	117	5	49	2
Australia	54	35	123	32
Belarus	8	7		
Belgium	126	6	177	3
Bosnia and Herzegovina	2	3	68	2
Brazil	237	33	174	10
Bulgaria	103	12	214	6
Canada - British Columbia	77	5	164	4
Canada - New Brunswick	54	1	17	1
Canada - Ontario	64	6	45	4
Canada - Quebec	9	3	59	5
Canada - Saskatchewan	244	1	451	1
Chile	175	11	168	7
China (Hong Kong, SAR)	7	3	78	3
China (Macao, SAR)			0	1
Colombia	235	13	224	7
Costa Rica	62	9	375	4
Croatia	84	2	194	2
Cyprus	290	1	13	1
Czech Republic	62	23	133	22
Denmark	3	15	79	14
El Salvador			21	1
Estonia	36	6	258	5
Finland	19	1	72	1
France	61	62	125	45
Georgia	19	2	298	2
Germany	93	55	82	49
Greece	175	7	183	3
Honduras	236	2	33	2
Hungary	113	5	90	5
Iceland	30	3	108	3
Ireland	49	34	140	24
Israel	93	6	100	6
Italy			95	7
Japan	132	14	94	14
Latvia	32	15	70	14
Lithuania	118	8	114	7

Luxembourg	65	1	131	1
Malta	50	1	360	1
Mexico	61	68	137	50
Morocco	162	8	195	8
Netherlands	72	5	85	2
New Zealand	18	27	87	28
Nicaragua	234	1		
Norway	19	18	69	15
Panama	65	2	50	1
Paraguay	31	3	268	13
Peru	138	18	225	9
Portugal	44	16	134	12
Romania	119	36	201	30
Serbia	9	9	203	6
Singapore	75	1		
Slovakia			320	1
Slovenia	14	1	422	1
Sweden	140	1		
Switzerland	46	13	87	19
Trinidad and Tobago	70	4	62	4
Turkey	143	36	135	6
UK - England and Wales	13	31	76	28
UK - Northern Ireland	12	5	184	5
UK - Scotland	65	16	43	14
United States	142	143	104	109
Ukraine	261	12	191	7
Uruguay	7	12	123	11
Venezuela	35	6	188	3
Total	93	908	125	703

Annex 9: The number of access applications received by each Central Authority in 2015 compared with previous Surveys

State	1999	2003	2008	2015
Albania	N/A	N/A	0	NR
Andorra	N/A	N/A	N/A	0
Argentina	6	6	3	7
Armenia	N/A	N/A	0	0
Australia	14	19	16	11
Austria	8	11	2	0
Bahamas	NR	NR	NR	NR
Belarus	NR	0	NR	0
Belgium	0	2	7	8
Bosnia and Herzegovina			NR	1
Brazil	N/A	NR	5	3
Bulgaria	N/A	0	1	1
Burkina Faso	NR	0	NR	0
Canada	8	11	13	12
Chile	4	4	1	4
China	0	0	0	1
China - Hong Kong	0	0	0	1
China - Macao	0	0	0	0
Colombia	0	NR	4	9
Costa Rica	NR	NR	5	0
Croatia	1	0	2	0
Cyprus	N/A	1	1	1
Czech Republic	3	0	6	0
Denmark	0	0	0	3
Dominican Republic	N/A	N/A	1	2
Ecuador	NR	NR	2	NR
El Salvador	N/A	0	0	1
Estonia	N/A	0	3	1
Fiji	N/A	NR	NR	0
Finland	2	2	1	0
France	15	13	22	29
Gabon	N/A	N/A	N/A	NR
Georgia	NR	0	0	0
Germany	24	18	31	29
Greece	NR	1	1	1
Guatemala	N/A	0	2	NR
Guinea	N/A	N/A	N/A	0
Honduras	N/A	0	0	0
Hungary	0	0	0	0
Iceland	0	0	0	1

State	1999	2003	2008	2015
Iraq	NR	NR	NR	NR
Ireland	1	2	13	6
Israel	2	2	2	2
Italy	4	3	23	13
Japan	N/A	N/A	N/A	18
Kazakhstan	N/A	N/A	N/A	NR
Korea, Republic of	N/A	N/A	N/A	1
Latvia	N/A	0	0	2
Lesotho	N/A	N/A	N/A	NR
Lithuania	N/A	0	1	2
Luxembourg	0	0	0	0
Macedonia	NR	NR	NR	NR
Malta	NR	0	1	0
Mauritius	0	NR	NR	1
Mexico	0	0	6	21
Moldova	NR	NR	NR	0
Monaco	NR	0	0	0
Montenegro	N/A	N/A	0	0
Morocco	N/A	N/A	N/A	0
Netherlands	8	6	13	6
New Zealand	4	6	8	0
Nicaragua	N/A	0	0	0
Norway	3	0	4	4
Panama	0	0	0	1
Paraguay	NR	NR	3	4
Peru	N/A	NR	NR	4
Poland	NR	8	2	3
Portugal	4	3	3	1
Romania	1	0	2	1
Russia	N/A	N/A	N/A	2
Saint Kitts and Nevis	NR	NR	NR	NR
San Marino	N/A	N/A	NR	0
Serbia	N/A	N/A	0	1
Seychelles	N/A	N/A	N/A	0
Singapore	N/A	N/A	N/A	0
Slovakia	0	0	0	0
Slovenia	0	0	0	0
South Africa	NR	3	6	4
Spain	6	19	25	0
Sri Lanka	N/A	0	NR	NR
Sweden	2	5	11	3
Switzerland	5	11	11	17

State	1999	2003	2008	2015
Thailand	N/A	0	NR	NR
Trinidad and Tobago	N/A	NR	NR	0
Turkey	N/A	0	3	2
Turkmenistan	NR	NR	NR	NR
Ukraine	N/A	N/A	3	4
United Kingdom	29	17	42	62
UK - Anguilla	0	0	0	0
UK - Bermuda	0	0	0	0
UK - Cayman Islands	0	0	0	0
UK - England and Wales	25	17	38	58
UK - Isle of Man	0	0	0	0
UK - Jersey	0	0	0	0
UK - Northern Ireland	1	0	2	2
UK - Scotland	3	0	2	2
United States	44	59	4	66
Uruguay	NR	NR	4	4
Uzbekistan	N/A	NR	NR	NR
Venezuela	NR	NR	NR	2
Zambia	N/A	N/A	N/A	NR
Zimbabwe	NR	NR	NR	NR
Total	205	238	360	382

Annex 10: Outcomes of access applications by Central Authority

	Rejection	Access agreement	Access order	Access judicially refused	Pending	Withdrawn	Other	Total
Argentina						1		1
Australia			2	2	2		5	11
Belgium	1		1			3	1	6
Bosnia and Herzegovina			1					1
Brazil					3			3
Canada - Alberta/Edmonton						1		1
Canada - British Columbia		1						1
Canada - Manitoba					1			1
Canada - Ontario		2						2
Canada - Quebec						3		3
Chile			1					1
China – Hong Kong							1	1
Colombia					1			1
Denmark							1	1
Dominican Republic					1			1
Estonia		1						1
France	1	3	1			2	17	24
Germany		1	1			2	14	18
Greece						1		1
Iceland					1			1
Ireland							5	5
Israel					1		1	2
Italy			2	2		2	4	10
Japan	2	3	1		3	1	8	18
Korea, Republic of		1						1
Latvia		1				1		2
Lithuania			1				1	2
Mauritius					1			1
Mexico	2	1	13	1	2	1	1	21
Netherlands							1	1
Panama						1		1
Paraguay			1		3			4
Peru							2	2
Poland		2					1	3
Portugal						1		1
Russia					1			1
Serbia			1					1
South Africa					1	1	2	4

	Rejection	Access agreement	Access order	Access judicially refused	Pending	Withdrawn	Other	Total
Sweden					2		1	3
Switzerland	6	3	2			4		15
Turkey		1	1					2
Ukraine		1	1				1	3
United Kingdom - England and Wales	1	1	12		7	24	12	57
United Kingdom - Northern Ireland						2		2
United Kingdom - Scotland				1		1		2
United States		9	7		25	8	16	65
Uruguay		3	1					4
Venezuela						1	1	2
Total	13	34	50	6	54	61	96	314

**Annex 11: The time taken to reach a final outcome
and the Central Authorities which received the application**

State	Average number of days taken to reach a final decision	Number of applications in which dates available
Australia	446	1
Belgium	352	1
Bosnia and Herzegovina	142	1
Chile	203	1
France	486	1
Germany	341	2
Japan	658	1
Lithuania	319	1
Mexico	204	19
Peru	219	1
Poland	122	1
Serbia	192	1
Switzerland	96	3
Turkey	562	1
Ukraine	471	1
United Kingdom - England and Wales	288	11
United Kingdom - Northern Ireland	266	1
United Kingdom - Scotland	281	2
United States	280	6
Uruguay	170	4
Venezuela	144	1
Total	254	61