

<b>Title</b>	<b>Status and use of INCASTAT – a critical assessment</b>
<b>Document</b>	<b>Prel. Doc. No 7 of December 2020</b>
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<b>Agenda Item</b>	Item IV.1.a
<b>Mandate(s)</b>	C&D No 19 of CGAP 2020
<b>Objective</b>	To inform on the current functioning and state of play of data on INCASTAT
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action/Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
<b>Annex</b>	Central Authorities recording their cases on INCASTAT (2016-2020)
<b>Related Document</b>	<a href="#">Conclusions and Recommendations of the Seventh Meeting of the Special Commission on the Practical Operation of the 1980 Child Abduction Convention and the 1996 Child Protection Convention</a>

## Table of Contents

I.	Introduction .....	1
II.	Function and current status of INCASTAT.....	1
III.	Current use of INCASTAT .....	2
IV.	Difficulties arising in the use of INCASTAT .....	3
V.	Proposal to CGAP .....	4
	Annex I.....	6

# Status and use of INCASTAT – a critical assessment

## I. Introduction

- 1 INCASTAT (the International Child Abduction Statistical Database) is an electronic database developed by the Permanent Bureau (PB) for the collection of information relating to return and access applications under the HCCH 1980 Child Abduction Convention. INCASTAT, which was launched on 28 September 2007,<sup>1</sup> is available only to the Central Authorities designated under the 1980 Child Abduction Convention. Each Central Authority has unique login details which enable them to access the database and record the cases they receive. In 2016, the database was updated to include detailed statistical data collected for the previous Special Commission meetings on the practical operation of the Convention.
- 2 It is important to recall that INCASTAT was developed on a modest budget made of voluntary contributions; due to the lack of systematically available funds, it has not been possible to develop or upgrade the platform or to address its main shortcomings. The voluntary contributions that the PB received for INCASTAT are mainly used for the consultants to enter new cases and analyse the relevant data.<sup>2</sup>
- 3 In its Conclusion and Recommendation No 76, the last Special Commission meeting on the operation of the Convention, convened in October 2017, recalled the importance of collecting current, global statistics on international child abduction and encouraged Central Authorities to enter their statistics into INCASTAT regularly and at least on an annual basis. Also, in its 2019 Conclusion and Recommendation No 55, the Council on General Affairs and Policy (CGAP) reaffirmed the support for the activities of the PB in relation to the use and the development of information technology systems in support of HCCH Conventions, including INCASTAT.<sup>3</sup>
- 4 At the meeting of CGAP in March 2020, the PB presented a brief oral update on INCASTAT in which it noted that data from INCASTAT is intended for use at the envisaged 2023 meeting of the Special Commission, and encouraged Contracting Parties to share data in any format they could. At that meeting, however, certain delegations, despite reiterating their willingness to engage with the database, raised issues that they faced because the INCASTAT platform is not interoperable with their domestic systems of data collection.<sup>4</sup>
- 5 This document provides a brief overview of the function and current status of INCASTAT, followed by a summary of the current use of the INCASTAT platform and the available data, and proposals that arise in light of the preparations for the next meeting of the Special Commission on the HCCH 1980 Child Abduction and 1996 Child Protection Conventions, at present planned for 2023.

## II. Function and current status of INCASTAT<sup>5</sup>

- 6 INCASTAT collects statistical data through four different online forms (A1, A2, B1, B2) developed by the PB in consultation with Contracting Parties<sup>6</sup> and accessible at [www.incastat.net](http://www.incastat.net). The INCASTAT

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<sup>1</sup> See News Archives on the HCCH website at: <https://www.hcch.net/en/news-archive/details/?varevent=138>. More information on the background of INCASTAT can be found in Prel. Doc. No 9 of October 2006, "[Report on the iChild pilot and the development of the International Child Abduction Statistical Database, INCASTAT](#)".

<sup>2</sup> It should be noted that no voluntary contributions specific to INCASTAT were received in the last three calendar years (2017-2019).

<sup>3</sup> CGAP has continually reaffirmed its support for the activities of the PB in relation to the use and the development of information technology systems: see, for example C&R No 33 of CGAP 2017; C&R No 26 of CGAP 2018 and C&R No 55 of CGAP 2019.

<sup>4</sup> CGAP 2020 Report of Meeting No 3, p. 4.

<sup>5</sup> For more details, see the [INCASTAT User Instructions](#).

<sup>6</sup> *Op. cit.* note 5, p. 3. Forms A1 and B1 were used to collect Annual Statistics since 1999, see Preliminary Document No 9 of October 2006 for the attention of the Fifth meeting of the Special Commission.

platform is able to compile and provide comparative data concerning both *outgoing* and *incoming* cases through the use of these four online forms, which consist of the following:

1. A1 – outgoing return applications
2. A2 – incoming return applications
3. B1 – outgoing access applications
4. B2 – incoming access applications.

7 In order to insert data on child abduction cases, Central Authorities access the database with the username and password provided by the PB. After log-in, the appropriate form and the year of reference of the data to be reported is selected. Currently, the INCASTAT platform does not operate under any security protocols such as a *Two-Factor Authentication* (2FA) Central Authorities can view the data for their country's statistics, the statistics of all countries combined, and the statistics of the region of which they are part; they cannot view the data for other Central Authorities.

8 The aim of INCASTAT has always been to automatically generate Annual Statistical Forms, which can be used to produce the statistical studies on the operation of the Convention in order to inform the Special Commission meetings. The INCASTAT platform includes a space for "data export" where Excel spreadsheets containing data can be downloaded from selected States or regions and within selected time periods.

9 INCASTAT is intended to calculate some statistics automatically and to transform the resulting data into charts, spreadsheets and graphs. For example, the system is intended to automatically calculate the average number of days between the date the applications were filed in court and the date of the final judicial determination. However, the "statistics selection" section of the INCASTAT website is not operational as originally envisaged. It was designed to produce all the graphs and charts to be included in the statistical studies created for the Special Commissions but cannot do so as the programming was never completed due to a lack of funds. This is a major deficiency of the current INCASTAT platform. It has also not been programmed to take account of the exceptions or nuances included in the data that some Contracting Parties would like to input. This means that, for in-depth statistical studies, the data provided by INCASTAT at present requires significant human intervention.

### III. Current use of INCASTAT

10 In order for INCASTAT to be able to provide reliable statistics, the data made available for analysis and incorporation into those statistics must be as complete as possible. The PB has assessed the state of play of data available on INCASTAT since the last statistical analysis of applications conducted in 2015 by Professor Nigel Lowe of Cardiff University and Ms Victoria Stephens, and presented at the Seventh Meeting of the Special Commission in 2017.<sup>7</sup> Whilst some countries have continued to add information on INCASTAT (see below, para. 13), the data currently available is not (yet) comparable to the amount of information conducive to producing a global statistical analysis. The PB remains grateful for the support of Members and Contracting Parties that continue to input such data on INCASTAT.

11 For the statistical analysis of applications made in 2015, the data gathered related to responses from 76 of the then 93 Contracting Parties. Such analysis concerned the 2,270 return and 382 access applications that were recorded up to 30 June 2017. While it was the first time such comprehensive and updated information had been collected via INCASTAT, it required significant

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<sup>7</sup> Prel. Doc. No 11 (A, B, C) of September 2017 and July 2018 of the Seventh Meeting of the Special Commission on the Practical Operation of the 1980 Child Abduction Convention and the 1996 Child Protection Convention (10-17 October 2017).

“coaching” and follow-up by the PB and the consultant. The fact remains that INCASTAT does not allow for a swift and easy production of Annual Statistical Forms.

#### IV. Difficulties arising in the use of INCASTAT

12 Several difficulties have arisen in relation to the use of INCASTAT.

13 First, there has been a steady decrease in the number of States using INCASTAT. In relation to applications made since 2016, INCASTAT has registered data available from 40 Contracting Parties in relation to 2016, 20 Contracting Parties in relation to 2017, seven Contracting Parties in relation to 2018 and only six Contracting Parties in relation to 2019.<sup>8</sup> Currently, the only Central Authorities that appear to be systematically recording all their cases are: Ukraine (36 cases added in 2019, 78 in 2020), Quebec (Canada) (36 cases added in 2019, 16 in 2020), UK – Northern Ireland (32 cases added in 2019, 18 in 2020) and New Zealand (four in 2020). Based on this low response rate, it is not possible to undertake a comprehensive, rigorous and sound statistical assessment of the Convention’s operation and to compare it with previous results.

14 Second, an examination of statistics reported using these Forms revealed that Central Authorities are treating and collecting statistical data in very different manners and are interpreting the Forms in different ways. These divergences show that a uniform method has to be established in order to be able to meaningfully compare and analyse statistical information from the different Contracting Parties to the Convention. Against this background, the PB thought that it was crucial to develop instructions on the actual reporting of statistics and to make them available to the Central Authorities.<sup>9</sup>

15 Third, feedback received from Members, Contracting Parties and PB consultants who work on the back end of the statistical database shows that the INCASTAT user interface (UI) is neither intuitive nor user friendly, and that the user experience (UX) leaves much to be desired. The forms in particular were found not to be user friendly, and many Central Authorities encounter difficulties in completing them. If the INCASTAT database is to be retained, funding must be allocated in order to improve the UI/UX interface. This UI/UX interface should be adapted to become simpler and more user friendly. One piece of feedback received is that the current programming of INCASTAT freezes data once a form is submitted. This has caused significant practical difficulties for Central Authorities, and required the investment of much PB staff time to answer emails on the matter, and edit the data or release the forms for edit.

16 Fourth, significant PB staff time is needed to encourage and assist Central Authorities in inputting cases. Training or information sessions, both online and in-person, may be helpful in this respect. Additionally, records show that a large amount of PB staff time was used in the last year to input the relevant data for Central Authorities, because the latter did not have the time or authorisation to do so themselves – which defeats a basic purpose of INCASTAT. One recurrent piece of feedback was that, due to the INCASTAT platform’s not being directly interoperable with domestic systems, some Contracting Parties have found that data input into INCASTAT requires the investment of resources that are scarce and better deployed elsewhere. Another recurrent piece of feedback was that the current INCASTAT User Instructions<sup>10</sup> are too detailed and that they have a small readership among Central Authorities.

17 Fifth, aside from data collection, in order for INCASTAT to remain relevant, the “statistical selection” function of the INCASTAT platform must be improved. Due to its incomplete status and inability to take into account exceptions or nuances in the data, the PB consultants who drafted the Statistical

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<sup>8</sup> See Annex I below for the list of the Contracting Parties recording their cases on INCASTAT from 2016 to 2020.

<sup>9</sup> See [INCASTAT User Instructions](#).

<sup>10</sup> See *supra* note 3.

Study for the 2017 meeting of the Special Commission did not find the “statistical selection” function of the INCASTAT platform to be useful, opting instead to manually download and analyse the Excel spreadsheets – which again defeats a basic purpose of INCASTAT.

- 18 Sixth, it was noted that significant details regarding reported cases were lost. For example, one Central Authority raised a point concerning mediation (noting that it was not clear if only formal mediation should be included) but also that there is no possibility to record the reasons for refusal that were not accepted. Moreover, feedback was received to the effect that there are no options to differentiate between access agreed or ordered; no option to input cases where there was an agreement not to return; and no option to properly reflect the cases where grandparents or other family members apply for return or access because both parents have moved abroad. More comprehensive and detailed data would allow for a much more meaningful and authoritative comparison.
- 19 These indicators show that there is an urgent need to discuss ways to move forward and to guarantee the gathering of wide-reaching, robust and accurate data for the next Special Commission meeting. It is also timely to discuss the best ways in which this data can be efficiently and safely collected. In light of feedback that interoperability between INCASTAT and various domestic statistical databases and systems is crucial, and considering that data input into INCASTAT requires significant resources that could be deployed elsewhere, the PB is of the view that the *status quo* is not an option and that INCASTAT should either be improved significantly or replaced with a new system. However, both these options would take significant time to fully implement. It is therefore unlikely that a revised or new system would be ready on time for relevant data to be collected and analysed ahead of the next meeting of the Special Commission on the practical operation of the 1980 Convention.

## V. Proposal to CGAP

- 20 The PB invites CGAP to consider the above assessment of INCASTAT and reflect on possible ways forward to improve the collection of data relating to the operation of the HCCH 1980 Child Abduction Convention. CGAP is invited to reflect on whether or not to continue to use INCASTAT, and, if so, how best to improve it and how to fund related work. If INCASTAT is to be discontinued, CGAP is invited to reflect on the possibility of developing and funding a new platform that would address the current shortcomings of INCASTAT (including much better protection of data). Should CGAP conclude that significant efforts are required to improve or replace INCASTAT, and that these efforts could not be completed on time for the next Special Commission meeting in 2023, the PB proposes that it exceptionally gather the relevant statistical information through a questionnaire (using excel spreadsheets). While this method would be more cumbersome and time-consuming than using a proper database, it would allow for the timely collection and analysis of data ahead of the next Special Commission meeting. Contracting Parties wishing to continue to use the current INCADAT system to input their data for the next meeting will of course be able to do so. Finally, and maybe most importantly, the PB also invites CGAP to reflect more broadly on the need to have effective tools in place that allow for the systematic collection and analysis of statistical data on the practical operation of the HCCH core Conventions. One approach could be to develop a core base or structure that would be similar for all tools, but which would also be flexible enough for each tool to be adapted to the needs and specificities of each of the Conventions.

## **ANNEX**

## **Annex I – Central Authorities recording their cases on INCASTAT (2016-2020)**

### **2016**

848 cases were added from 30 Contracting Parties (Belgium, Brazil, Canada, Chile, Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Germany, Guatemala, Honduras, Hungary, Iceland, Israel, Mexico, Moldova, Netherlands, New Zealand, Nicaragua, Panama, Peru, Slovenia, South Africa, Spain, Turkey, Ukraine, United Kingdom, Venezuela).

### **2017**

627 cases were added from 19 Contracting Parties (Brazil, Canada, Chile, Denmark, Dominican Republic, El Salvador, France, Georgia, Guatemala, Honduras, Israel, Malta, New Zealand, Paraguay, Slovakia, Ukraine, United Kingdom, United States of America, Venezuela)

### **2018**

138 cases were added from seven Contracting Parties (Denmark, Georgia, Guatemala, New Zealand, Ukraine, United Kingdom – Northern Ireland, Uruguay)

### **2019**

111 cases were added from six Central Authorities (Canada – Quebec, Costa Rica, Ireland, New Zealand, Ukraine, United Kingdom – Northern Ireland)

A number of Central Authorities also recorded that they received no cases (Albania, Burkina Faso, Canada – Manitoba, China (Hong Kong SAR), Costa Rica, Denmark, Japan, Netherlands), making a total of 14 Central Authorities using the database.

### **2020**

116 cases were added from four Central Authorities (Canada – Quebec, New Zealand, Ukraine, United Kingdom – Northern Ireland).