HUNGARY

The applications

1. The number of applications

According to the Central Authority for Hungary, they received 8 incoming return and 1 incoming access application in 1999, making a total of 9 incoming applications. Additionally, they made 12 outgoing return and 2 outgoing access applications in that year. Altogether, therefore, the Central Authority for Hungary handled 23 new applications in 1999.

2. The Contracting States which made the applications

(a) Incoming return applications

Requesting States

	Number	Percent
Austria	2	25
Germany	2	25
France	1	13
Italy	1	13
Norway	1	13
USA	1	13
Total	**8**	**100**

Apart from the application from the USA, all applications came from other European States. Interestingly, no Eastern European States made applications to Hungary.

(b) Incoming access application

The access application was from Italy.

The taking person / respondent

3. The gender of the taking person / respondent

All taking persons and respondents involved in incoming applications to Hungary were female. Globally, 69% of taking persons in return applications were female and 86% of respondents in access applications were female. The only other State in this analysis where all taking persons were female was Iceland (where there were 4 cases). Conversely, in applications to both Bosnia and Herzegovina (where there were 3 cases) and China - Hong Kong (where there were 4 cases), all taking persons were male.

4. The nationality of the taking person / respondent

(a) Incoming return applications

All taking persons involved in incoming applications to Hungary were Hungarian nationals. It would therefore appear that in Hungary, more than any other Contracting State in this analysis, there was a tendency for taking persons to be females returning home. Globally 52% of taking persons had the nationality of the requested State. The only other Contracting State in this analysis where all taking persons were nationals of the requested State was Bosnia and Herzegovina (where there were 3 cases).

(b) Incoming access application

Unlike return applications where all taking persons were Hungarian nationals, the respondent in the access application was Italian.

The children

5. The total number of children

There were 9 children involved in the 8 return applications and 1 child involved in the 1 access application. Altogether, therefore, 10 children were involved in new incoming applications received by Hungary in 1999.

6. Single children or sibling groups

(a)   Incoming return applications

Single Child or Sibling Group

	Number	Percent
Single Child	7	88
Sibling Group	1	13
Total	**8**	**100**

Number of Children

	Number	Percent
1 Child	7	88
2 Children	1	13
Total	**8**	**100**

The above tables show that the vast majority of return applications involved single children. The only application that involved a sibling group involved 2 children. Globally, 63% of applications involved a single child.

(b) Incoming access application

The access application also involved a single child.

7. The age of the children

(a)   Incoming return applications

Age of the Children

	Number	Percent
0 - 4 years	7	78
5 - 9 years	2	22
10 - 16 years	0	0
Total	**9**	**100**

Globally, 38% of children were aged between 0 and 4 years old. In applications to Hungary, 78% of the children were in this age category. Noticeably, no children were aged between 10 and 16 years old.

(b) Incoming access application

The child involved in the access application was also aged between 0 and 4 years old.

8. The gender of the children

(a) Incoming return applications

Gender of the Children

	Number	Percent
Male	4	44
Female	5	56
Total	**9**	**100**

The proportion of male children at 44% is smaller than the global norm of 53%

(b) Incoming access application

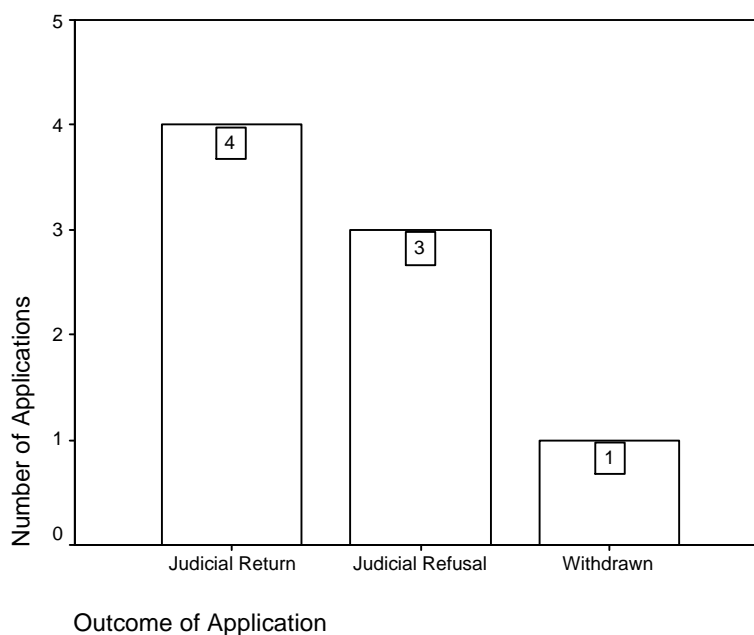The child involved in the access application was female.

The outcomes

9. **Overall outcomes**

(a) Incoming return applications

Outcome of Application

	Number	Percent
Rejection	0	0
Voluntary Return	0	0
Judicial Return	4	50
Judicial Refusal	3	38
Withdrawn	1	13
Pending	0	0
Other	0	0
Total	**8**	**100**

Outcome of Application

Given the small number of applications, it is difficult to draw meaningful conclusions from the table and chart above. 50% of applications were returned judicially which is a high proportion compared with the global norm of 32%. But, in contrast there were no voluntary returns. Interestingly, the overall return rate of 50% was therefore the same as the global norm. The proportion of judicial refusals (38%), was also higher than the global norm of 11%. It is interesting that all bar one of the applications (88%) went to court. Of these applications which went to court, 4 out of 7, 57%, resulted in a return order, compared with 74% globally.

(b) Incoming access application

In the access application, access was judicially granted.

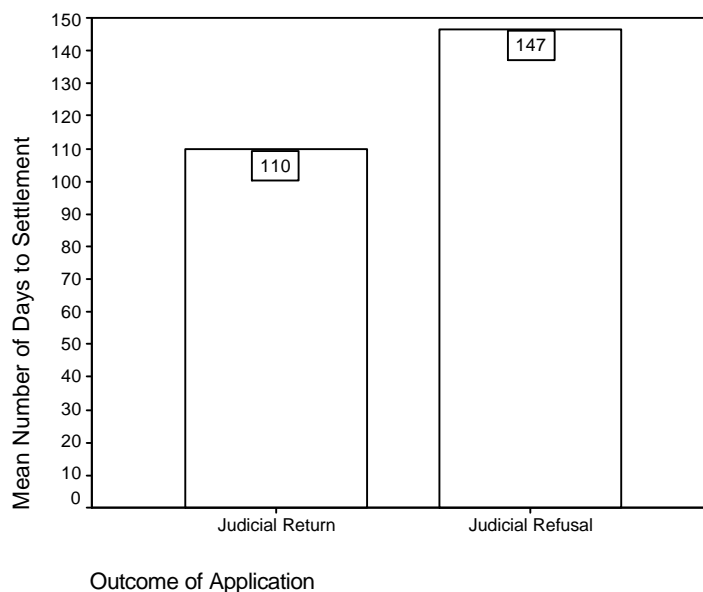## 10. The reasons for judicial refusal

(a) Incoming return applications

Two of the applications that were refused were refused on the basis of the child's habitual residence. The other application was refused because of Article 12.

Speed

11. The time between application and outcome

(a) Incoming return applications

The timings shown above are similar to the global norms of 107 days for judicial returns and 147 days for judicial refusals.

(b) Incoming access application

It took over 6 months for access to be granted in the access application.

12. Appeals

(a) Incoming return applications

One of the judicial returns was the result of an appeal upholding the first instance decision to return the child. The case took 303 days from application to final outcome, compared with a global norm for judicial returns on appeal of 208 days. All 3 of the judicial refusals were also appeal cases. They took a mean average of 147 days to resolve, which was faster than the global average of 176 days. It is interesting that 4 of the 7 cases, which went to court, resulted in appeals, a proportion of 57% compared with a global norm of 14%. Considering that 4 of the 8 cases were appealed and there were no pending cases, the system in Hungary appears to operate relatively quickly.