

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

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

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

## PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

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

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

- No  
 Yes

Please specify:

[Please insert text here](#)

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

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

[Please insert text here](#)

b) Participation of the parties and the child (e.g., appearance in court proceedings, mediation);  
[Court hearings take place over Zoom, which allows the participation of the applicant, who is normally in the requesting state. Even when the hearing takes place in court and not online, the applicant is allowed to participate remotely. This was never allowed, prior to the pandemic.](#)

c) Promoting mediation and other forms of amicable resolution;

[Please insert text here](#)

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

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

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

- d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;  
Please insert text here
- e) Obtaining evidence by electronic means;  
Please insert text here
- f) Ensuring the safe return of the child;  
Please insert text here
- g) Cooperation between Central Authorities and other authorities;  
Please insert text here
- h) Providing information and guidance for parties involved in child abduction cases;  
Please insert text here
- i) Other, please specify.  
Please insert text here

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

Case Name	Court Name	Court Level	Brief summary of the ruling
C-1886-2019 (Ruiz/Carreño Venezuela)	Fourth Family Court of Santiago	first instance (Family Court)	The court denied a return application from Venezuela, based on article 20 of the Convention. It is the first time that article 20 was used in a Chilean ruling. The decision was not appealed by the Central Authority.
5857-2019 (Santamaria/ Rivera, Spain)	Supreme Court	disciplinary complaint	In this return application from Spain both the Family Court and the Court of Appeals rejected the application, ordering for the child to remain in Chile. The applicant (father) presented a disciplinary complaint against the judges of the Court of Appeals, before the Supreme Court. The Supreme Court ordered the return of the child to Spain. The abducting parent (mother) presented an application before the UN Committee on the Rights of the Child and the State of Chile was ordered to compensate both her and the child for grave transgressions to his (the child's) human rights (case 121-2020). This case was handled by a private attorney in Chile, without participation from the Central Authority. The return order was never executed.

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

C-7866-2017	First Family Court of Santiago	first instance (Family Court)	Hague application from Switzerland: the application was granted at every court level and the child was ordered to return to Switzerland. The abducting parent (mother) presented an application before the UN Committee on the Rights of the Child (129-2020 - resolution pending). This case was handled by the Chilean Central Authority, and the return order was carried out in November of 2022 (the abducting parent hid with the child for approximately three years, after the first return order)
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4. Please provide a brief summary of **any other significant developments** in your State since the 2017 SC.

Please insert text here

**Issues of compliance**

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

- No
- Yes

Please specify the challenges encountered:

The main issue is communication: some Central Authorities do not provide detailed answers to the questions we send them (if they reply at all).

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

- No
- Yes

Please specify:

Please insert text here

**Addressing delays and ensuring expeditious procedures**

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

**Central Authority**

- No
- Yes
- Procedure not yet revised

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

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

Distribution of cases among specific case workers. Before 2017, cases were handled by the team at large, with no one case worker being responsible for each case. This delayed the processing of cases, as each task had to be specifically assigned to a worker. Incoming cases are now assigned as soon as they arrive at the office, which ensures much faster proceedings.

#### Judicial proceedings

- No  
 Yes  
 Procedure not yet revised

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

Please insert text here

#### Enforcement

- No  
 Yes  
 Procedure not yet revised

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

Please insert text here

#### Mediation / ADR

- No  
 Yes  
 Procedure not yet revised

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

Please insert text here

#### Court proceedings and promptness

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

- No  
 Yes  
 Please specify:

The procedure for Hague cases is special (and brief): the entire process takes place in a single hearing, which is designed to be carried out in one day. Appeals are limited to a single appeal.

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

- No

Please specify:  
Please insert text here

- Yes  
Please specify:  
Please insert text here

10. Do the courts in your State make use of direct judicial communications<sup>6</sup> to ensure prompt proceedings?

- No  
 Yes  
Please specify:  
Direct judicial communications are not used in every case, but courts are aware that it is a resource that is available to them, and they have been used in the past.

11. If your State has not designated a judge to the International Hague Network of Judges (IHNJ) does your State intend to do so in the near future?

- No  
 Yes  
Please specify:  
Please insert text here

12. Please comment upon any cases ( where your State was the requested State) in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge or other authority in the requesting State regarding the issue of the child's safe return. What was the specific purpose of the communication? What was the outcome?

Case number C-302-2018, Second Family Court of San Miguel (TEVES/CALLEJAS, Argentina). The Family Court judge suspended the hearing for 24 hours (from Friday to Monday) in order to contact the judge in Argentina, to better understand Argentina's childcare and custody laws. The judges were able to communicate over the weekend (despite the fact that it was a weekend), and by Monday the Chilean judge had all the information she needed to make a decision (she ultimately ordered the return of the child to Argentina, based in part on that country's custody rules).

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

### In general

13. Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in Contracting Parties with which your State has cooperated?

- No  
 Yes  
Please specify:  
Please insert text here

14. Has your Central Authority encountered any challenges with the application of **any of the 1980 Convention provisions**? If so, please specify.

- No

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

- Yes  
Please specify:  
Please insert text here

### Legal aid and representation

15. Do the measures your Central Authority takes to provide or facilitate the provision of legal aid, legal advice and representation in return proceedings under the 1980 Convention (**Art. 7(2)(g)**) result in delays in proceedings either in your own State, or, where cases originate in your State, in any of the requested States that were dealt with?

- No  
 Yes  
Please specify:  
Please insert text here

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

- No  
 Yes  
Please specify:  
Please insert text here

### Locating the child

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

- No  
 Yes  
Please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:  
Locating the child is perhaps the most difficult stage in Hague proceedings. Irregular migration to and from Chile has increased significantly over the past 5 years, which has led to many abducted children being basically impossible to trace, because there is no record of their entering the country, and public health, education and migration records are delayed, due to an increase in requests. This issue also affects our outgoing cases: many migrants (especially from Haiti) are leaving Chile via irregular border crossings, which means there is no record of their leaving, no information regarding their whereabouts, etc. The Chilean Central Authority does not reject cases based on a lack of information regarding the child's whereabouts (as other countries do), but there is obviously a delay in these cases, as the first step must be to find the child.

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

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

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

Hague applications are immediately presented in court (there is no prior mediation/amicable resolution), partly due to the issues with locating children, specified in question 17. However, once the application is served and a hearing is scheduled, the first step in the court proceedings is a meeting with the court's Technical Advisor, in order to see if an amicable resolution is possible. The Technical Advisor is a psychologist or social worker who works with the court, in order to reach alternative solutions to family conflicts. In this stage, the Central Authority (who directly represents the applicant in Hague cases) offers every possible option for an amicable solution.

19. In the case that your Central Authority offers mediation services, or other alternative dispute resolution methods to bring about an amicable resolution of the issues, has your Central Authority reviewed these procedures in the light of the framework of international child abduction cases (e.g., by providing trained, specialised mediators, including with cross-cultural competence and necessary language skills<sup>8</sup>)?

Please specify:  
Please insert text here

20. Should the services mentioned in the question above not yet be provided, does your Central Authority intend to provide them in the future?

Please provide comments:  
The Chilean Central Authority offers direct court representation for Hague applicants: the attorneys of the Central Authority represent the applicant in court. This means that we cannot offer mediation services, because we would be operating as both mediators and parties in the same case, which is impossible. Also, the Central Authority as an institution does not have executive powers on any decisions, which means that any amicable resolution reached outside of the court would be impossible to carry out forcibly, if either party chose not to comply with the agreement. Due to all of the above, there are no plans currently in place to offer mediation services (it would require a complete redesign of the entire Central Authority).

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

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

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

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

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

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

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

Please explain:

Via communication with the requesting Central Authority

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

No

Yes

Please specify:

Chile is not a party to the 1996 Convention, so the Central Authority for the 1980 Convention would not be able to follow up on the child's situation directly. However in some cases it might be possible to contact other institutions that are working with the child (public protection programs, health care professionals, etc.). The problem is that if the child is being treated privately, it is up to each professional/institution to cooperate and inform of the status of the child.

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

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

No

Yes

Please specify:

We are in constant online communication with several Central Authorities in our region, especially Peru, Argentina and Venezuela. In September of 2022, the Chilean Central Authority participated in a meeting organized by Argentina.

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

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

No

Yes

Please specify and share the relevant instruments whenever possible:

Please insert text here

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

No

Yes

Please specify:

Please insert text here

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



27. Does your State collect statistical data on the number of applications made per year under the 1980 Convention (e.g., number of incoming and / or outgoing cases)?<sup>12</sup>

- No
- Yes

In case this information is publicly made available, please share the links to the statistical reports:  
[Please insert text here](#)

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

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

- No
- Yes

Please specify:  
[Please insert text here](#)

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

- No
- Yes

Please specify:  
[Countries where access/contact applications are only accepted if the same child has previously been the subject of an abduction application](#)

30. Has your State had any challenges, or have questions arisen, in making arrangements for organising or securing the effective exercise of rights of access / contact under **Article 21** when the application was *not* linked to an international child abduction situation?<sup>14</sup>

- No
- Yes

Please specify:  
[Please insert text here](#)

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

Position	Services provided
A request of assistance to organise or secure effective exercise of rights of access in <b>another Contracting Party</b> (as requesting State)	<input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 3. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide

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

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

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

	<input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 5. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input type="checkbox"/> 6. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 7. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input type="checkbox"/> 8. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 9. Provision of regular updates on the progress of the application <input type="checkbox"/> 10. Other, please specify: Please insert text here
A request of assistance to organise or secure effective exercise of rights of access <b>in your State</b> (as requested State)	<input checked="" type="checkbox"/> 1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State <input checked="" type="checkbox"/> 2. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input checked="" type="checkbox"/> 3. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" type="checkbox"/> 6. Regular updates on the progress of the application <input type="checkbox"/> 7. Other, please specify: Please insert text here

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

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

**Special topics**

**Obtaining the views of a child in a child abduction case**

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

Please explain:  
 In abduction cases, the child is heard by their attorney, the judge and the Technical Advisor to the court. The hearing is private and no report is offered to the parties, unless the child expressly authorizes for information to be shared. The team that speaks to the child usually looks for signs of parental influence, the child's maturity level, and asks questions regarding the States involved, and the child's relationships in both States and with both parents (if applicable). If any concerns or Convention exceptions have been raised by the taking parent, these are also reviewed with the child. It should be noted that the hearing is designed to be child-friendly: the child is not interrogated directly regarding the Hague application, but rather the team aims for a friendly conversation.

34. Are there any procedures, guidelines or principles available in your State to guide the person (e.g, expert, judge, guardian *ad litem*) in seeking the views of the child in a child abduction case?
- No  
 Yes  
Please specify:  
[Please insert text here](#)

## Article 15

35. As requesting State (outgoing applications), how often have judicial or administrative authorities in your State received requests for Article 15 decisions or determinations?
- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always
36. As requested State (incoming applications), how often have judicial or administrative authorities in your State requested Article 15 decisions or determinations?
- Do not know  
 Never  
 Rarely  
 Sometimes  
 Very often  
 Always
37. Please indicate any good practices your State has developed to provide as complete as possible information in the return applications as required under Article 8 with a view to speed up proceedings?

Please indicate:

Hague applications are filled out by the office attorneys, and not directly by the requesting parent, in order to ensure that information is complete and clear. The requesting parent then reviews their application and we make any relevant changes. We also accompany all Hague applications with the complete files of any court cases that took place between the parties in Chile.

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

Please insert your suggestions:  
[Please insert text here](#)

## Relationship with other international instruments on human rights

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

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

- No  
 Yes

If possible, please share any relevant case law or materials that are relevant to this type of situation in your State or, alternatively, a summary of the situation in your State:  
[Please insert text here](#)

- Do not know

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

- No  
 Yes

Please provide comments:  
[Please insert text here](#)

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

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

(a) providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**)  
[Please insert text here](#)

(b) providing for the recognition of urgent protective measures by operation of law (**Art. 23**)  
[Please insert text here](#)

(c) providing for the advance recognition of urgent protective measures (**Art. 24**)  
[Please insert text here](#)

(d) communicating information relevant to the protection of the child (**Art. 34**)  
[Please insert text here](#)

(e) making use of other relevant cooperation provisions (e.g., **Art. 32**)  
[Please insert text here](#)

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

- No  
 Yes

Please specify:  
[Please insert text here](#)

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

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

### Primary carer and protective measures

43. Are you aware of any cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, coercive control, harassment, etc.) or others, has refused or has not been in a position to return with the child to the requesting State? How are such cases dealt with in your State?

Please explain and provide case examples where possible:

[Please insert text here](#)

44. Would the authorities of your State consider putting in place measures to protect the primary carer upon return in the requesting State if they were requested as a means to secure the safe return of the child?

Please explain and provide case examples where possible:

[Please insert text here](#)

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

No

Yes

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

[Chile is not a party to the 1996 Convention, and Family Courts have determined that they only have jurisdiction where a child is already in Chile. This means that it is not possible to enforce protective measures before the return of the child.](#)

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

No

Yes

Please specify:

[See question 45](#)

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

No

Yes

Please specify:

[Please insert text here](#)

N/A

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

No

Yes

Please specify:

[Please insert text here](#)

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

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

Yes

Please describe such procedures, if possible:

Please insert text here

No

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

Chile's regulation of travel authorizations is extremely outdated and does not specifically consider relocation authorizations. When such a request comes up, the court treats it like any other travel authorization: the elements that the law indicates are to be considered are the length of stay out of the country, and the benefit for the child.

### Publicity and debate concerning the 1980 Convention

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

No

Yes

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

The UN cases have brought some (negative) publicity to the 1980 Hague Convention, but the discussion has not reached our congress, as of yet. It would actually be beneficial if we could discuss a procedural law regarding abduction cases (our current procedure is a Supreme Court order, not an actual law).

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

Please explain:

Please insert text here

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

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

### Training and education

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

Please provide details:

[Please insert text here](#)

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

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

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

[Please insert text here](#)

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

[Please insert text here](#)

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

[Please insert text here](#)

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

[Please insert text here](#)

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

[Please insert text here](#)

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

[Please insert text here](#)

- g. Supporting communications between Central Authorities, including maintaining updated contact details on the HCCH website or intervening to facilitate contact in cases where obstacles arise.

[Please insert text here](#)

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<sup>20</sup> Available on the HCCH website at under “Child Abduction Section” and “Judges’ Newsletter on International Child Protection”. For some volumes of *The Judges’ Newsletter*, it is possible to download individual articles as required.

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

- h. Supporting communications among Hague Network Judges and between Hague Network Judges and Central Authorities, including maintaining a confidential database of up-to-date contact details of Hague Network Judges or intervening to facilitate contact in cases where obstacles arise.

Please insert text here

- i. Responding to specific questions raised by Central Authorities, Hague Network Judges or other operators regarding the practical operation or interpretation of the 1980 (and 1996) Conventions.

Please insert text here

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

- 54. For any of the Guides to Good Practice<sup>22</sup> which you may have used to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State please provide comments below:

- a. Part I on Central Authority Practice.

Please insert text here

- b. Part II on Implementing Measures.

Please insert text here

- c. Part III on Preventive Measures.

Please insert text here

- d. Part IV on Enforcement.

Please insert text here

- e. Part V on Mediation

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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<sup>22</sup> All Parts of the Guide to Good Practice under the 1980 Convention are available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Child Abduction Section” then “Guides to Good Practice”.



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

**Other**

58. What other measures or mechanisms would you recommend:
- a. to improve the monitoring of the operation of the 1980 Convention;  
Please insert text here
  - b. to assist States in meeting their Convention obligations; and  
Please insert text here
  - c. to evaluate whether serious violations of Convention obligations have occurred?  
Please insert text here

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<sup>23</sup> The *Practitioner's Tool* is available at the HCCH website at [www.hcch.net](http://www.hcch.net) under "Child Abduction Section" then "Guides to Good Practice".

## PART III – NON-CONVENTION STATES

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

Please explain:

[Please insert text here](#)

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

Please indicate:

[Please insert text here](#)

### The “Malta Process”<sup>24</sup>

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

Please explain:

[Please insert text here](#)

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

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

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

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

Please specify and list in order of priority if possible:  
[Please insert text here](#)

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

Please specify:  
[Please insert text here](#)

### **Bilateral meetings**

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

Please insert number:  
[Please insert text here](#)

### **Any other matters**

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

Please provide comments:  
[Please insert text here](#)