

Questionnaire concerning the Practical Operation of the 1980 Child Abduction Convention

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

Name of State or territorial unit: ¹	Norway
<i>For follow-up purposes</i>	
Name of contact person:	Kristin Ugstad Steinrem
Name of Authority / Office:	The Norwegian Directorate for Children, Youth and Family Affairs - Central Authority Norway
Telephone number:	0047 466 16 809
E-mail address:	kristin.ugstad.steinrem@bufdir.no
Date:	

PART I – PRACTICAL OPERATION OF THE 1980 CONVENTION

Recent developments in your State²

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

- No
 Yes

Please specify:

The responsibility for fulfilling the obligations under the Convention was transferred from the Ministry of Justice to the Directorate for Children, Youth and Family Affairs in 2020. The Directorate was already the Central Authority for the 1996 Hague Convention on Protection of Children. Having the same authority as Central Authority for both Conventions has proven advantageous, as a number of cases have been possible to solve more efficiently through the wider set of tools that the two Conventions offer in conjunction.

In 2018 a change in national legislation gave the Norwegian Central Authority access to the Norwegian National Population Register, which allows the Norwegian Central Authority to check information such as parental responsibility and registered address amongst others. This is also a useful tool for the Central Authority when it comes to locating a child.

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

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

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

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

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

The Central Authority routinely offers remaining parents in cases where children are abducted from Norway to another country, a meeting. The aim is to provide information about the 1980 Hague Convention and the proceedings involved, and to provide necessary clarification early on, on any questions the parent or his/her lawyer may have.

Prior to the pandemic, these meetings were usually held in person or by phone. However, during the pandemic the meetings were instead held over Microsoft Teams, which proved less time-consuming for the Central Authority, while also achieving a more personal experience for the remaining parent compared to a phone meeting. After the pandemic we have continued to offer meetings over Teams to parents who for various reasons find this more convenient than a meeting in person.

During the pandemic, we also started receiving digital applications in a large number of cases. This policy hasn't changed post-pandemic, as the Norwegian court has accepted and will process digital applications.

Regarding outgoing applications, the Norwegian Central Authority has often forwarded applications in both digital and physical copies. This has often proven useful, as the receiving Central Authority will be able to start processing the application, such as initiating locating mechanisms, while waiting for the original documents received by regular mail.

However, in some cases we only forward the application digitally if the receiving State is unable to receive physical mail.

- b) Participation of the parties and the child (e.g., appearance in court proceedings, mediation);
Improvements in video conference equipment and the use of this
- c) Promoting mediation and other forms of amicable resolution;
No changes
- d) Making arrangements for organising or securing the effective exercise of rights of access, including while pending return proceedings;
No changes
- e) Obtaining evidence by electronic means;
No real changes, but more frequent use of witness statements by using video conference equipment.
- f) Ensuring the safe return of the child;
No changes
- g) Cooperation between Central Authorities and other authorities;
No change in recent years.
- h) Providing information and guidance for parties involved in child abduction cases;
No change in recent years. Both the Central Authority and the remaining parent in the requesting State will be provided with information on how abduction cases are processed in Norway when the case is forwarded to the Norwegian court.

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 authorities⁴ in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
HR-2022-207-A	Supreme Court of Norway	Supreme Court	<p>The case concerned a couple that travelled to England with their two children immediately after the municipality had notified them that a case would be brought before the County Social Welfare Board for a care order for the children.</p> <p>According to national child abduction legislation, a travel ban is imposed automatically when a petition for a care order is sent to the Board, but not before. Such a departure was therefore not unlawful.</p> <p>The County Social Welfare Board issued a care order approximately two months after the family's departure. The case was appealed and pending in the Norwegian court system. The Supreme Court concluded that the children had their "habitual residence" in Norway at the time of the County Social Welfare Board's decision.</p> <p>As the care order, stating that the children were to be removed from the care of their parents, was made after the parents lawfully left Norway, the interesting question in this regard was whether the care order made in Norway after the family had left, would change a lawful stay in England into an illegal retention.</p> <p>The Norwegian Central Authority filed a statement to the court on that particular issue, as the matter raised a question of principle, and stated that a return in such a case would not restore "status quo", as is the aim of the 1980 Hague Convention, The case was dealt with twice in the Court of Appeal, with different results, and finally in the Supreme Court. The Supreme Court considered that the</p>

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

			<p>parents continued stay in England with the the children after the County Social Welfare Board's decision, amounted to a "wrongful retention" and concluded that the family's lawful stay abroad became a wrongful retention when the care order was issued.</p> <p>The decision is available in English here: https://www.domstol.no/en/supremecourt/rulings/rulings-2022/supreme-court-civil-cases/hr-2022-207-a/</p>
LB-2022-97189	Borgarting Court of Appeal	Court of Appeal	<p>The case regarded an abduction from Poland to Norway. Both the District Court and the Court of Appeal ordered the return of the child to Poland. The child was 10 years old and strongly expressing that it did not wish to return to its habitual residence. Whether there was a grave risk of harm was also considered, but the court's found that neither of the criteria in Article 13 were fulfilled.</p>
LB-2023-4014	Borgarting Court of Appeal	Court of Appeal	<p>Child Welfare authorities in the Czech Republic requested return of a 15 year old child, who was placed in a Czech institution and who had been abducted to Norway by its mother. The child and its mother had stayed in Norway for several months. In addition to the provisions in the 1980 Hague Convention, the European Convention for Human Rights Article 8 was considered, as well as The UN Convention of the Rights of the Child Article 12. The Appeal Court stated in its decision that "(...) it is the Courts assessment that the temporary care order seems to have been made after a thorough and comprehensive decision by Czech Courts and in line with Czech legislation."</p> <p>Both the District Court and the Appeal Court decided that the child should be returned to the Czech Republic. The case was appealed to the Supreme Court, but dismissed.</p>

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

General information regarding decisions under the section 3:

As mentioned in previous questionnaires in 2011 and 2017 there are several decisions illustrating Norwegian courts strict interpretation of the Convention exemption rules, such as (LB-2007-127164). A new decision from 2022 (LB-2022-97189) mentioned above ordered the return of the child despite the child being 10 years old and strongly expressing that it did not wish to return to its habitual residence. Whether there was a grave risk of harm was also considered, but the court's found that neither of the criteria in Article 13 were present.

We would like to emphasise that Norwegian courts have maintained the strict interpretation of the exemption clauses over the past years.

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 challenges we experience are length of proceedings, difficulties with localization, lack of information about the process and cases which are treated more as custody cases than return cases under the Convention.

Overall, its our experience that the main challenge lies with various courts lacking knowledge of the Hague Convention, but we are also experiencing difficulties in establishing contact with some central authorities, and also difficulties in obtaining the necessary information about the process.

We have had some cases in different countries where custody proceedings have been initiated, or is initiated by the abducting parent, and the local court decides on the merits of rights of custody with no consideration to the ongoing Hague case, despite being aware of Article 16 of the Hague Convention. We have in such cases experienced that the Central Authority does not inform the court directly of the provisions set out in the Hague Convention, or that the local court does not respect the Central Authority's information about the obligations under the Convention. Two such parallel processes are burdensome and confusing for the remaining parent, and not in line with the Convention.

In a few cases we have also experienced challenges in having a final decision enforced by the responsible enforcement authorities in the respective Contracting State. Despite receiving good follow-up from the relevant Central Authority, it has proven difficult to achieve clarity in what steps would result in the actual enforcement of a decision.

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

- No
 Yes

Please specify:

In some instances we have experienced that incoming applications contains very limited proof of rights of custody in accordance with the Convention, and when requesting a clarification on what constitutes proof of custody/parental responsibility in the requesting State, it has still been difficult to achieve clarity on this topic. In such

cases it may prove challenging for the judge handling the case to make a proper assessment of the case.

Addressing delays and ensuring expeditious procedures

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

Central Authority

- No
 Yes
 Procedure not yet revised

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

As mentioned in the last questionnaire for the Special Commission in 2017, a number of statutory amendments relating to child abduction entered into force in Norway in 2016. The changes were intended to ensure more effective handling of international child abduction cases in Norway and to strengthen the child perspective in such cases. We have experienced that this has made us able to process cases more efficiently.

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:

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

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

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:

These cases are centralized to one District Court (Oslo District Court), where there are a few specialized judges- The cases are highly prioritized, also in the Appeal Court. Enforcement provisions are stated directly in the return decision. Digitalization makes exchange of evidence easy.

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

- No
 Please specify:
 Please insert text here

- Yes
 Please specify:
 Please insert text here

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

- No
 Yes
 Please specify:
 Yes, when needed

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?

No, we are not aware of any cases where direct judicial communication has reagedard the issue of the child’s safe return

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

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

In general

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

- No
 Yes

Please specify:

In general, communication with other Central Authorities is effective and we experience good co-operation in the handling of applications under the Convention. However, we have experienced that some Central Authorities do not acknowledge receipt of applications, and do not provide information about the further process, despite the fact that specific questions have been asked about this. E.g when an application has been forwarded to court, we have experienced insufficient information concerning court proceedings, court decisions and time limits for appeal.

We have also experienced that Central Authorities do not provide sufficient information concerning legal aid and how to gain legal assistance. In some of our outgoing cases this has resulted in the left-behind parent not receiving information that has direct relevance to their ability to participate in court proceedings and to appeal.

We have also experienced difficulties regarding localization in outgoing cases. In a case that is currently ongoing, the court process has stopped because the abductor's family has been informed that the abductor is not in the country, but without informing about where the abductor has gone. There is documentation that the abductor and the children have stayed in the State, but no documentation that they have left the State. Despite this, the process in the court is stopped, and it seems that nothing is done to try to locate the children.

In some cases we also experience lengthy processes for handling Hague applications at the Central Authority or courts before judicial proceedings are initiated.

In incoming cases we have experienced that applications are insufficient relating to information about the unlawfulness of the abduction, according to internal law of the requesting State.

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

- No
 Yes

Please specify:

In outgoing cases, we have experienced a wide interpretation of the exemption clauses, in particular Article 13 b.

Regarding Article 13 b, we have experienced court decisions where the conflict between the parents has been given decisive weight in determining that a child shall not be returned.

In one particular case the court initially discussed Article 12 (1), and stated that due to proceedings having commenced prior to one year having passed since the alleged abduction took place, the court would not be able assess whether it should refrain from issuing a return order based on the child having settled in its current environment.

However, when the court went on to assess whether returning the child to Norway would constitute a grave risk that the child would be exposed to physical or psychological harm in accordance with Article 13, the court stated that due to the child now attending kindergarten and having started to learn the language of the requested state, ordering a return to Norway would potentially cause serious harm to the child, as the remaining parent had not "sufficiently proven" that the specific area in Norway where the child was to live, was safe and as good for the child as its current environment.

In this case, the abducting parent was also repeatedly allowed to initiate proceedings regarding custody and parental responsibility at the same court, despite the court being notified several times of the obligations under Article 16. This contributed to the Hague Convention proceedings being delayed, which in turn led to the court concluding that moving the child out of its now well-integrated environment would constitute a grave risk, regardless of the remaining parent having submitted the application in due time.

It can be derived from the Convention's system that it should normally not be possible to make an assessment that clearly belongs under Article 12, under Article 13 b). However, one could argue that the relevant court in this case did exactly that.

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:

In Norway, the handling of applications for legal aid in return proceedings is centralised and are dealt with by Oslo District Court if the applicant is the remaining parent, and by the County Governor of Oslo and Viken if the applicant is the abducting parent.

The Norwegian Central Authority has established a list of lawyers who specialise in child abduction cases so that affected parents may get in touch with a lawyer that has special expertise on and knowledge of child abduction. Information concerning legal aid and legal representation is available on our child abduction website.

Such a list is provided to both the Central Authority and the remaining parent in the requesting state when the case is forwarded to the Norwegian court.

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

- No
 Yes

Please specify:

We have experienced difficulties in outgoing cases to different contracting states with obtaining information from the Central Authority concerning the legal aid scheme and how to apply. The Country Profiles do not provide sufficient information concerning legal aid and few countries have information available on the Central Authority web site.

Requesting this information may lead to delays in the handling of the Hague application.

Regarding incoming cases, applications for free legal aid from the left-behind parent and the taking parent are subject to different provisions in the free legal aid act. The decisions for the two categories are taken by different authorities. Left-behind parents can apply to the Court, taking parents must apply to the County Governor, which might cause some delay as there are stricter rules on legal aid in such cases.

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:

As requesting state - providing sufficient information concerning procedures for locating abducted children, both prior to the court process and also after a return decision has been made, seems to be a general problem. Information provided from Central Authorities is often supplemented by police information through the Interpol system and it is of high importance that there is effective communication between the different authorities involved in locating the children.

We have in several cases experienced difficulties with locating the child before the case is forwarded to court for consideration. In some cases this is due to the fact that the abducting parent intentionally is keeping the child hidden to avoid a return proceeding.

In one specific case the competent court refused to process a case, despite there being significant evidence that the child and abductor had travelled to specific State, and nothing indicating that they had left. However, the court not being able to get in touch with the abductor, resulted in the case not being processed.

As requested state - we have in a very few number of cases experienced that the child is intentionally being kept hidden by the abducting parent in Norway. Local police has tried to locate these children both through national and international registers and by

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

checking relevant addresses provided by the left-behind parent. The local child welfare service may also be informed if a child is intentional being kept hidden in Norway by an abducting parent.

Voluntary agreements and bringing about an amicable resolution of the issues

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

Prior to forwarding the case to the competent court, the Central Authority forwards a letter to the alleged abductor, encouraging him or her to either return the child voluntarily, or contact the remaining parent to seek an amicable solution. Additionally the court will provide the alleged abductor with a similar letter, in addition to continuously working towards an amicable solution while the case is being processed, without causing delays.

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

Please specify:

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:

Due to the court already having a system in place that includes continuous effort towards reaching an amicable solution while the case is being processed, there are no immediate plans to establish any new routines in this area.

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

No
Please explain:

Yes
Please explain:
Please insert text here

Ensuring the safe return of children¹⁰

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

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

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

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:

If there are circumstances indicating that there is need for a child to receive follow-up measures upon its return, we will contact the requesting State to ask what measures are available upon a child's return after an abduction.

The Norwegian Central Authority is obliged by law to notify the local Child Welfare Service in every incoming case, which means that the Child Welfare Service will be aware of any circumstances indicating that there should be concern for the child upon its return. The Central Authority will then be able to assist in forwarding the Child Welfare Service's concern in accordance with the provisions in the 1996 Hague Convention.

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

- No
 Yes

Please specify:

If we receive a request under the 1996 Hague Convention Article 32 a, the request will be forwarded to the competent Child Welfare Service who can provide a report on the child's situation. The Central Authority is also obliged by law to notify the competent Child Welfare Service when a child returns after being abducted to another Contracting State, meaning that the Child Welfare Service will have knowledge of the relevant 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?¹¹

- No
 Yes

Please specify:

The Nordic Countries have yearly meetings, last in Norway in November 2022. In these meetings we share experiences from both Hague and non-Hague abduction cases and discuss general topics related to the Hague Convention.

In addition, we occasionally arrange meetings with specific Central Authorities, to further improve our cooperation. Specifically, we have had a meeting with the Central Authority of the United States, which we found very useful.

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

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

Please specify and share the relevant instruments whenever possible:

Yes, to ensure that all cases are handled both expeditiously and with consistency, we have a set of routines that are to be followed in every case.

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

- No
 Yes

Please specify:

All outgoing and incoming cases are registered in our case management system, where all communication and documents in the case are stored, allowing us to have a good overview of the status of our cases.

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

- No
 Yes

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

We have a statistical form where we register applications for return pursuant to the 1980 Hague Convention.

We have one form for cases with abduction to Norway and one form that applies to abduction from Norway.

In the statistical forms we register the following data:

- Which state the child is abducted from or to
- Number of children
- Date of application received
- Date of forwarding of the application
- Date of closing of the case

From this information we extract the following data

- How many cases we receive and pass on to different States
- Average case processing time from received to forwarded
- Average case processing time from received to completed

Transfrontier access / contact¹³

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

- No
 Yes

Please specify:

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?

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

¹³ See C&R Nos 18-20 of the 2017 SC.

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

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

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

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

Position	Services provided
A request of assistance to organise or secure effective exercise of rights of access in another Contracting Party (as requesting State)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Assistance in obtaining information on the operation of the 1980 Convention <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" type="checkbox"/> 3. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide <input checked="" type="checkbox"/> 4. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input 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 type="checkbox"/> 9. Provision of regular updates on the progress of the application <input type="checkbox"/> 10. Other, please specify: Please insert text here
A request of assistance to organise or secure effective exercise of rights of access in your State (as requested State)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. Providing information on the operation of the 1980 Convention and / or the relevant laws and procedures in your State <input type="checkbox"/> 2. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access <input type="checkbox"/> 3. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 4. Assistance in obtaining private legal counsel or mediation services available in your State <input type="checkbox"/> 5. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 6. Regular updates on the progress of the application <input type="checkbox"/> 7. Other, please specify: In general the Norwegian Central Authority's role in these cases is to contact the parent in Norway and encourage them to contact the remaining parent to arrange for access rights. We also provide thorough information to the

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

	reaining parent on how to contact a mediation office in Norway and initiate court proceedings if necessary.
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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:

We make sure to provide the applicant with information on how to proceed under the 1996 Hague Convention Article 35, if it comes to our attention that there is a court decision regarding access in the requesting state.

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:

The elements normally observed and reported are:

- Questions about the child's situation in the requesting state
- The child's situation in the requested state
- The child's relation to the parents and other relatives
- The child's view on the matter of return, including practical questions related to ways of travel and who to travel with etc.
- Both the maturity of the child and any perceived parental influence on the child will be commented on.

34. Are there are 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:

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:

We have developed our own application form, in addition to circular on International Abduction with more specific information and points of discussion other than the more general issues. The Circular would be of particular interest to lawyers and judges, but may also prove useful to remaining parents in answering specific question, for example in gaining knowledge on how to proceed to have a final decision enforced.

In outgoing cases we always conduct an initial meeting with the remaining parent and/or their lawyer, to provide information on the Convention, the Central Authority's role, and any experience with the relevant country. Prior to such meetings we always check the particular country's country profile for relevant information.

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

Please insert your suggestions:

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?

- 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: In one case, there was a potential challenge which did not materialize as the refugee claim was decided swiftly. Without such a swift decision, the court in the abduction case would have had to make a prejudicial assessment on the refugee claim.

- 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

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

Use of the 1996 Convention¹⁶

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

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

No

Yes

Please specify:

Similar to other requests received under the 1996 Convention Article 32, we also process requests that includes providing a report on the child's situation after a certain time period after its return.

Primary carer and protective measures

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

Please explain and provide case examples where possible:

It is not uncommon for the taking parent to state that the left-behind parent is violent etc.

We will review this related to Article 13 b)

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:

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

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

In a situation where a Norwegian authority is concerned for the well-being of a child due to the child's primary caretaker being exposed to danger, we would assist in forwarding a letter of concern to the relevant State in accordance with either Article 32b or Article 36 of the 1996 Hague Convention.

The courts would consider directly, or through the Central Authority, to ask the requesting State to put in place protective measures for the primary carer in order to secure the safe return of the child.

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:

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:

In one particular case, we noted that a number of the undertakings set out by the other State's court were of private law in nature, consisting of agreements between the abducting party and the remaining parent. As an example one of the undertakings were that the remaining parent would refrain from reporting the abducting parent to Norwegian police upon returning to Norway. If the remaining parent had already reported the abduction to the police, it would not be possible to withdraw the report if the police has already starting processing the case. Any decision regarding the investigation and/or action towards the abducted parent lies with the responsible public prosecutor and not the remaining parent.

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:
 See part 46

- 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:

In all cases where a child is returned to Norway after being abducted, the relevant Child Welfare Service is notified. The purpose of this notification is to ensure that children who are in need of follow-up after an abduction, is being cared for and will receive assistance if needed.

International family relocation¹⁸

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:

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:

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

Please explain:

Through the Norwegian Authorities website, www.government.no/child-abduction, we provide both parents, other Central Authorities and the media with information on child abduction including contact information.

On our website we also have included specific information concerning child abduction from the Child Welfare Service and a formal written warning concerning the use of private security firms.

The Central Authority routinely offers to meet affected parents in cases where children are abducted from Norway to another country. The aim is to provide information about the 1980 Hague Convention and the proceedings involved, and to provide necessary clarification early on.

The Central Authority will also give out general information on the Convention and our national procedures for handling abduction cases when we are contacted directly by phone or e-mail. We have a dedicated phone line handling both new specific cases, but also more general guidance.

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

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:

We arrange cooperative meetings with other Norwegian authorities involved in abduction cases to ensure that all involved authorities can cooperate effectively while fulfilling their various tasks in relation to an abduction case. In 2018, there was held a seminar for lawyers working with abductions cases. Such a seminar is to be held again in 2023 and is mandatory for lawyers on the authorities' list of lawyer with special competence in child abduction cases.

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.

We find the Country Profile to be a good instrument to give an overview of a country's legal system and court system. In addition the Country Profile will often give us an indication of how the system works regarding a specific issue, for example what measures a particular state has implemented to ensure access between the remaining parent and the child while the case is being processed at the court. The advantage of using the country profile is also that we can provide information to the remaining parent regarding specific topics at an early stage, while pointing out that this information stems from the country profile and will therefore need confirmation on whether it is up to date. We usually then ask for such confirmation from the requested State's central authority when the case is forwarded, and inform the remaining parents accordingly.

We would, however, recommend that the information provided is supplemented for example with more information concerning legal aid system and on how to get legal assistance (by a lawyer). This is information that is relevant in almost all cases.

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

We find INCADAT to be a good instrument in order to get a view of how different Courts interpret the provisions in the Convention.

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

Please insert text here

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

The Child Abduction Section of the Hague Conference is regularly used by the Central Authority and it is a very practical instrument in finding relevant information. It is of great value to have all the Guide's to Good Practice, questionnaires, conclusions and recommendations etc. gathered on one website.

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

Furthermore, it is very useful in order to find updated contact details regarding the Central Authorities of other Member States.

- 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;

The Permanent Bureau's role in providing technical assistance and training in the practical operation of the 1980 and 1996 Conventions is important, particularly for new State parties to the Conventions and to parties that for other reasons have limited experience with the Conventions.

The organisation of international seminars and conferences is important to share and secure good practices, to establish and maintain a good relationship between the different Central Authorities, and through this promote co-operation.

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

The Norwegian Central Authority both under the 1980 and the 1996 Convention are positive to encouraging wider ratification of, and accession to, the both Conventions.

The 1980 Convention is the most important tool in order to resolve international child abduction cases, and educating those unfamiliar with the Convention will contribute to the Convention being effective and correctly applied.

The 1996 Convention has proved to be an effective tool in cases regarding international protection of children, and as we see it there are several states we wish to establish a co-operation with under that Convention.

- 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.

Keeping the contact details updated on the HCCH website is important for an effective co-operation, in order to avoid unnecessary delay in the processing of requests.

It is positive that the various Contracting States are able to receive assistance from the Permanent Bureau when challenges arise regarding communication between two central authorities/Contracting States.

- 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.

Both the Central Authority and the Norwegian liaison judges consider this to be very important and useful.

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

- 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.

In our experience this is a highly positive feature as the Convention is interpreted and used differently in various Contracting States. The Permanent Bureau may have important information on the various states legal framework and practices, which the various central authorities or judges may not have.

Guides to Good Practice under the 1980 Convention

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

- a. Part I on Central Authority Practice.

Please insert text here

In general, we have are very positive experience using these guides

- 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

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

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

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;

We find that the Special Commission for the 1980 and 1996 Conventions are important to ensure a uniform application of the Conventions. We would like to suggest that they are held more often than every five years.

That the Special Commission underlines Central Authorities' obligation to promote co-operation amongst the competent authorities in their State to achieve the purpose of the Conventions.

That Central Authorities notify the Permanent Bureau in cases where there are difficulties and possible violations of the Conventions in a Contracting State. And that the Permanent Bureau is able to follow up on the matter in dialog with the Contracting States.

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

See part a

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

In addition to what was mentioned under section a), another possibility would be that the Permanent Bureau recommends that the respective central authorities inform the Bureau if they experience serious breaches to the Convention.

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

PART III – NON-CONVENTION STATES

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

Please explain:

Please insert text here

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

Please indicate:

Please insert text here

The “Malta Process”²⁴

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

Please explain:

Please insert text here

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

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

Views on priorities and recommendations for the SC

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

Please specify and list in order of priority if possible:

We would like to raise the important issue regarding challenges with child abduction cases where there the taking-parent also have a parallel refugee claim. How does one handle the matter relating to revealing that the child and the taking parent are staying in the State, as well as releasing information to the state from which asylum is sought

We would also like to suggest that it would be useful to discuss the time aspect in child abduction cases and the importance of prompt procedures, as we find it problematic that many cases are not handled in an expeditious manner as stated in the 1980 Convention, with the negative impact this can have for the children involved. Further, we would also like to discuss the matter of enforcement and the importance of having prompt procedures in order to enforce return orders as soon as possible.

Finally, we find undertakings, which some States use, to be problematic, and would like to discuss the use of that.

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

Please specify:

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:

We would like to take the opportunity to have several bilateral meetings, if possible with five countries.

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