

Questionnaire concerning the Practical Operation of the 1996 Child Protection Convention

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1996 Child Protection 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: ²	European Union
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PART I – FOR CONTRACTING PARTIES

1. Recent developments in your State

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

- No
 Yes

Please specify:

Within the EU, child protection matters are primarily governed by Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility and on international child abduction (the Brussels IIb Regulation) [Note 1].

As from its entry into application on 1 August 2022, the Brussels IIb Regulation repealed Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 [Note 2] (the Brussels II a Regulation). The Brussels IIa Regulation continues to apply to decisions given in legal proceedings instituted before 1 August 2022 (see Article 100(2) of the Brussels IIb Regulation). Thus, the Brussels IIa Regulation will continue to apply to decisions issued before and even after 1 August 2022 (the latter on the condition that proceedings were instituted before that date).

The Brussels IIb Regulation, similarly to its predecessor, contains rules on jurisdiction, cooperation between Central Authorities and the recognition and enforcement of judgments in matters of parental responsibility. To a large extent, the rules of this Regulation are modelled on those of the 1996 Hague Convention but there are also some differences.

In the application by the courts of EU Member States, the rules of the Regulation prevail over those of the 1996 Hague Convention in relations between Member States, in particular jurisdiction, including in child abduction cases, recognition and enforcement, and co-operation. Specifically, the rules of the Regulation apply where children are habitually resident in the territory of an EU Member State (Article 97(1)(a)

² The term "State" in this Questionnaire includes a territorial unit, where relevant.

of the Brussels IIb Regulation; Article 52(2) of the 1996 Hague Convention). With regard to the recognition and enforcement of a judgment from an EU Member State in other EU Member States, the rules of the Brussels IIb Regulation prevail over those of the 1996 Hague Convention even if the child concerned has his or her habitual residence on the territory of a third State which is a contracting Party to the Convention (Article 97(1)(b) of the Brussels IIb Regulation; Article 52(2) of the Convention).

Article 97(2) of the Brussels IIb Regulation clarifies that the 1996 Hague Convention applies in the following cases:

- a) where the parties have agreed upon the jurisdiction of a court of a State Party to the 1996 Hague Convention in which this Regulation does not apply, Article 10 of that Convention shall apply;
- b) with respect to the transfer of jurisdiction between a court of a Member State and a court of a State Party to the 1996 Hague Convention in which this Regulation does not apply, Articles 8 and 9 of that Convention shall apply;
- c) where proceedings relating to parental responsibility are pending before a court of a State Party to the 1996 Hague Convention in which this Regulation does not apply at the time when a court of a Member State is seized of proceedings relating to the same child and involving the same cause of action, Article 13 of that Convention shall apply.

The scope of the Brussels IIb Regulation has been aligned to that of the 1996 Hague Child Protection; the term “child” has now been defined as being a person below the age of 18 years (Article 2(6) of the Brussels IIb Regulation; Article 2 of the 1996 Hague Convention). It also clarifies (recital 17 of the Brussels IIb Regulation) should avoid an overlap with the scope of the Hague Convention of 13 January 2000 on the International Protection of Adults which applies from the age of 18 years onwards.

Article 11(2) of the Brussels IIb Regulation (similarly to Article 13(2) of the Brussels IIa Regulation) confers general jurisdiction in respect of internationally displaced or refugee children who have their habitual residence in a Member State. Article 97(1)(a) and Recital 25 of the Brussels IIb Regulation clarify that where the habitual residence of the child before the displacement was not in an EU Member State, the jurisdictional rule of the 1996 Hague Convention should apply (Article 6(1) of the 1996 Hague Convention).

On the other hand, the 1996 Hague Convention applies in determining applicable law in matters of parental responsibility since this subject matter is not covered by the Brussels IIb Regulation, and the Regulation explicitly refers to the 1996 Hague Convention in this regard (recital 92).

A Practice Guide on the Application of the Brussels IIb Regulation has been adopted and published by the European Judicial Network in civil and commercial matters (EJN-Civil) - European e-Justice Portal - EJN's publications (europa.eu) [Note 3].

[Note 1]: OJ L 178, 2.7.2019, p. 1–115 (BG, ES, CS, DA, DE, ET, EL, EN, FR, HR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV).

[Note 2]: OJ L 338, of 23.12.2003, p. 1.

[Note 3]: The Guide will be translated and published in all EU official languages in 2023.

2. Please provide the three most **significant decisions concerning the interpretation and application of the 1996 Convention** recently rendered by the relevant authorities³ in your State.

Case Name	Court Name	Court Level	Brief summary of the ruling
Case 572/21	C- Court of Justice of the European Union (CJEU)	EU	<p>The CJEU's judgment of 14 July 2022 in Case C-572/21 ruled that a court of a Member State that is hearing a dispute relating to parental responsibility does not retain jurisdiction to rule on that dispute under the general jurisdiction based on the habitual residence of the child at the time the court is seized, where the habitual residence of the child has been lawfully transferred, during the proceedings, to the territory of a third State that is a party to the 1996 Hague Convention.</p> <p>This case was concerned with a court in Sweden which was hearing a dispute in matters of parental responsibility. The child, however, began to attend a boarding school on the territory of the Russian Federation. Thus, his habitual residence was lawfully transferred, during the proceedings, from an EU Member State (Sweden) to the territory of a third State that is a party to the 1996 Hague Convention (the Russian Federation). CJEU stated that under Article 8(1) of the Brussels IIa Regulation, jurisdiction in matters of parental responsibility is conferred on the courts of the Member State in which the child is habitually resident at the time the court is seized. Therefore, the court seized should not lose jurisdiction even if there is a change in the place of habitual residence of the child concerned during the proceedings. However, Article 61(a) of the same Regulation provides that, as concerns the relation with the 1996 Hague Convention, that Regulation is to apply 'where the child concerned has his or her habitual residence on the territory of a Member State'. The CJEU pointed out that in this particular scenario the habitual residence has to be established at the time when the court having jurisdiction gives its</p>

³ The term "relevant authorities" is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1996 Convention. Whilst in the majority of Contracting Parties such "authorities" will be courts (i.e., judicial), in some Contracting Parties administrative authorities remain responsible for decision-making in Convention cases.

			<p>ruling. Thus, in the given case Article 8(1) of Brussels IIa Regulation does not apply, and the provisions of 1996 Hague Convention must apply instead. The Swedish court does not retain jurisdiction to rule on that dispute under Article 8(1) of Brussels IIa Regulation if the transfer of the habitual residence has taken place before the decision was given. This judgment of the CJEU clearly states that the Brussels IIa Regulation may not be interpreted in such a way that it would require Member States to breach their obligations under the 1996 Hague Convention (see Article 52(3) of the 1996 Hague Convention and para. 39-42 of Case C-572/21). This judgment as well as the jurisprudence of the CJEU, i.e., the previous case-law in this area remains relevant with regard to the Brussels IIb Regulation so long as the latter Regulation does not legislate otherwise.</p> <p>This judgment can be found at http://curia.europa.eu/</p>
Please insert text here	Please insert text here	Please insert text here	Please insert text here
Please insert text here	Please insert text here	Please insert text here	Please insert text here

3. Please provide a brief summary of **any other significant developments** in your State relating to international child protection, including any regional instruments or bilateral agreements that have been negotiated or which your State has signed and ratified or acceded to (e.g., Memorandum of Understanding on the placement of children abroad):

Please insert text here

2. Scope of application (Arts 2, 3 and 4, and C&R No 29 of 2017 SC)

4. Have competent authorities in your State experienced any challenges, or have questions arisen, in determining the scope of the 1996 Convention (e.g., which measures of protection fall within the scope of the 1996 Convention)?

- No
 Yes

Please specify:

Please insert text here

3. Jurisdiction to take measures of protection

Habitual residence (Art. 5 and C&R No 31 of 2017 SC)

5. Have competent authorities in your State experienced any challenges when determining the habitual residence of the child in cases falling within the scope of the 1996 Convention?

- No
 Yes

Please specify:

Please insert text here

International child abduction (Arts 7 and 50)

6. Have competent authorities in your State experienced any challenges, or have questions arisen, in **making a determination whether to exercise jurisdiction** in cases of wrongful removal or retention of the child?

- No
 Yes

Please specify:

Please insert text here

Pending divorce or legal separation of the child's parents (Art. 10)

7. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise **jurisdiction** in cases where there is a pending divorce or legal separation of the child's parents (**Art. 10**)?

- No
 Yes

Please specify:

Please insert text here

Transfer of jurisdiction (Arts 8 and 9)

8. How often have competent authorities in your State experienced cases of transfer of jurisdiction under **Articles 8 and / or 9** of the 1996 Convention?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

If possible, please provide supplementary information:

Please insert text here

9. Has your State developed any **good practices, procedures, guidelines or protocols** to facilitate the transfer of jurisdiction?

- Yes

Please specify and provide the links to relevant documents whenever possible:

Please insert text here

- No

Please specify any reasons:

Please insert text here

4. Special types of measures of protection

Urgent measures of protection (Art. 11)

10. Have competent authorities in your State experienced any challenges, or have questions arisen, with respect to the application of **Article 11** (e.g., the definition of "urgency"; scope, nature and duration of measures)?

No

Yes, in cases of international child abduction.

If possible, please provide more details about the experience of your State using Article 11 in cases of international child abduction:

Please insert text here

Yes, in other situations.

Please describe in which other situations a competent authority in your jurisdiction has applied Article 11:

Please insert text here

Provisional measures (Art. 12)

11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 12** (e.g., definition as to what may constitute a "provisional character"; scope, nature and duration of measures)?

No

Yes

Please describe:

Please insert text here

5. Applicable law (Chap. III)

12. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the applicable law rules provided by **Articles 15, 16 and 17** of the 1996 Convention?

No

Yes

Please describe:

Please insert text here

6. Recognition and enforcement

13. Have competent authorities in your State experienced any challenges, or have questions arisen, in relation to the **recognition of measures of protection**, from the perspective of the requested State?

No

Yes

Please describe:

Please insert text here

Advance recognition (Art. 24)

14. How often have competent authorities in your State experienced cases of requests for **advance recognition**?

- Do not know
- Never
- Rarely
- Sometimes
- Very often
- Always

If possible, please provide supplementary information:
Please insert text here

15. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to facilitate the application of Article 24?

- Yes, but there have been no changes since the last SC meeting
- Yes, with changes since the last SC meeting.
Please specify:
Please insert text here
- No

Declaration of enforceability or registration for the purpose of enforcement (Arts 26, 27 and 28)

16. In relation to the *simple and rapid procedure* for declaring enforceable or registering for the purpose of enforcement of measures of protection taken in another Contracting Party (Art. 26), what is the practice in your State?

a) Which authority declares enforceable or registers a measure of protection taken in another Contracting Party? Please specify:

Please insert text here

b) What time frames are applied to ensure that the procedure is rapid? Please explain:

Please insert text here

c) Is legal representation required? Please explain:

Please insert text here

17. Are you aware of any challenges, or have questions arisen, in applying **Articles 26, 27 and / or 28** in your State?

- No
- Yes
Please describe:
Please insert text here

7. Cooperation (Chap. V)

Central Authority practice

18. Are you aware of any challenges, or have questions arisen, in applying **Article 30** in your State (e.g., in relation to the timeliness of responses to requests)?

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

Services available

19. If your State answered the 2016 Questionnaire, please indicate whether since then there have been any changes in relation to the services provided by your Central Authority:

- No. Please proceed to question No 22
- Yes. Please continue answering the following questions

20. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, does your Central Authority provide assistance to **individuals habitually resident in your State** who request it in connection with the following matters? If so, please specify the nature of the assistance provided.

Matter	Service(s) provided
a) A request to organise or secure effective exercise of rights of access in another Contracting Party (requested State) ⁴	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. 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"/> 7. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State <input type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 10. Provision of regular updates on the progress of the application <input type="checkbox"/> 11. Other, please specify: Please insert text here
b) A request to secure the return to your State of a child subject to international abduction where the 1980 Convention is <u>not</u> applicable	<input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained

⁴ See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

	<ul style="list-style-type: none"> <input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child <input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue <input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child <input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child <input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services <input type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 14. Regular updates on the progress of the application <input type="checkbox"/> 15. Other, please specify: Please insert text here
<p>c) A request to secure the return to your State of a runaway child (see Art. 31(c))</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child <input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child <input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child <input type="checkbox"/> 10. Assistance in obtaining private legal counsel <input type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 12. Regular updates on the progress of the application <input type="checkbox"/> 13. Other, please specify: Please insert text here
<p>d) A request for a report on the situation of a child habitually resident in another Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see Art. 32(a))</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Other, please specify: Please insert text here
<p>e) A request that the competent authorities of another Contracting Party decide on the</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State

<p>recognition or non-recognition of a measure taken in your State (see Art. 24)</p>	<p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify: Please insert text here</p>
<p>f) A request that the competent authorities of another State Party declare enforceable or register for the purpose of enforcement measures taken in your State (see Art. 26)</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify: Please insert text here</p>

21. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, if your Central Authority were to receive a request of assistance from **another Central Authority** on behalf of an individual residing abroad, in connection with the following matters, please specify the nature of the assistance that your Central Authority provides or would provide if the situation were to arise.

Matter	Service(s) provided
<p>a) A request to organise or secure effective exercise of rights of access in another Contracting Party (requested State)⁵</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access</p> <p><input type="checkbox"/> 7. Assistance in providing or facilitating the provision of legal aid and advice</p> <p><input type="checkbox"/> 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State</p> <p><input type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input type="checkbox"/> 10. Provision of regular updates on the progress of the application</p> <p><input type="checkbox"/> 11. Other, please specify: Please insert text here</p>

⁵ See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

<p>b) A request to secure the return to your State of a child subject to international abduction where the 1980 Convention is <u>not</u> applicable</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained <input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child <input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue <input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child <input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child <input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services <input type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 14. Regular updates on the progress of the application <input type="checkbox"/> 15. Other, please specify: Please insert text here
<p>c) A request to secure the return to your State of a runaway child (see Art. 31(c))</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input type="checkbox"/> 4. 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 type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input type="checkbox"/> 6. Assistance in discovering the whereabouts of a runaway child <input type="checkbox"/> 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child <input type="checkbox"/> 8. Assistance in providing or facilitating the provision of legal aid and advice <input type="checkbox"/> 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child <input type="checkbox"/> 10. Assistance in obtaining private legal counsel <input type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance <input type="checkbox"/> 12. Regular updates on the progress of the application <input type="checkbox"/> 13. Other, please specify: Please insert text here
<p>d) A request for a report on the situation of a child habitually resident in another</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State

<p>Contracting Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see Art. 32(a))</p>	<p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Other, please specify: Please insert text here</p>
<p>e) A request that the competent authorities of another Contracting Party decide on the recognition or non-recognition of a measure taken in your State (see Art. 24)</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify: Please insert text here</p>
<p>f) A request that the competent authorities of another Contracting Party declare enforceable or register for the purpose of enforcement measures taken in your State (see Art. 26)</p>	<p><input type="checkbox"/> 1. None</p> <p><input type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input type="checkbox"/> 4. 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</p> <p><input type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State</p> <p><input type="checkbox"/> 6. Assistance in obtaining private legal counsel</p> <p><input type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input type="checkbox"/> 8. Other, please specify: Please insert text here</p>

Mediation, conciliation or similar methods (Art. 31(b))

22. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31(b)** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the child in situations to which the 1996 Convention applies?

Please explain:

Please insert text here

Placement and provision of care abroad (Art. 33)

23. Have authorities in your State experienced any challenges, or have questions arisen, in relation to:

- a) the **scope of application of Article 33** (e.g., in case of placement with relatives, migrant children)

Please provide further details, if possible:

Please insert text here

- b) **time frames** of consultations under Article 33
Please provide further details, if possible:
Please insert text here
- c) the availability of **equivalent measures** of protection in the other Contracting Party or differences in the applicable domestic legislation
Please provide further details, if possible:
Please insert text here
- d) **financial costs** involved in the placement / provision of care abroad
Please provide further details, if possible:
Please insert text here
- e) other **practical issues** arising from the placement / provision of care abroad (e.g., documentation, immigration matters)
Please provide further details, if possible:
Please insert text here
- f) other issues relating to Article 33.
Please specify:
Please insert text here

24. Have **judicial or administrative procedures, guidelines, or protocols** been adopted in your State to deal with the placement procedure under Article 33?

- No
 Yes

Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:
Please insert text here

25. After the placement of the child abroad to another Contracting Party, does your State seek **follow up information on the situation** of that child?

- No
 Yes

Please describe:
Please insert text here

Reports (Arts 32, 33 and 34)

26. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining reports or information under **Article 32, 33 or 34**?

- No
 Yes

Please describe:
Please insert text here

27. Do authorities in your State use a standard template when providing a report on the (situation of the) child under Article 32 or 33?

- No
 Yes

Please attach the template to your response (preferably translated into English or French):
Please insert text here

Assistance from the authorities of another Contracting Party

28. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 35**?

- No
 Yes

Please describe:

Please insert text here

29. Have judges in your State used direct judicial communications in cases falling under the 1996 Convention?

- No
 Yes

Please specify in relation to which specific matters (e.g., transfer of jurisdiction, placement of a child):

Please insert text here

8. General provisions

Article 40 Certificates

30. How often have competent authorities in your State issued **Article 40 certificates** indicating the capacity in which a person having parental responsibility or entrusted with the protection of the child's person or property is entitled to act and the powers conferred upon him or her?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

31. Has your State experienced any challenges, or have questions arisen, in relation to **requests under Article 40**?

- No
 Yes

Please describe:

Please insert text here

Issues in relation to the property of the child (Arts 55 and 60)

32. How often have competent authorities in your State dealt with **measures for the protection of the property of the child by using the framework of the Convention**?

- Do not know
 Never
 Rarely
 Sometimes

- Very often
- Always

If possible, please provide supplementary information:
Please insert text here

9. Special topics

International family relocation

33. 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:
Please insert text here

34. Are you aware of any use being made of Article 24, which provides for advance recognition, in lieu of or in connection with international family relocation?

- No
- Yes
Please explain:
Please insert text here

35. Are you aware of any use being made of other provisions of the 1996 Convention in cases where a parent wishes to relocate with his or her child to another State?

- No
- Yes
Please explain:
Please insert text here

Children subject to international abduction

36. Have authorities in your State experienced any challenges, or have questions arisen, in relation to the application of the 1996 Convention (e.g., Art. 50) in cases of child abduction where the 1980 Convention was not applicable (see Questions 20(b) and 21(b) above)?

- No
- Yes
Please describe:
Please insert text here

37. In cases of child abduction where both the 1980 Convention and the 1996 Convention were applicable, have authorities in your State made use of provisions under the 1996 Convention (e.g., Art. 50) in addition to or instead of provisions of the 1980 Convention?

- No
- Yes
Please specify the provisions and explain:

Please insert text here

38. In cases of child abduction, whether or not the 1980 Convention is applicable, have authorities in your State used the cooperation provisions in Chapter V of the 1996 Convention to determine whether adequate measures of protection are available in the State of the habitual residence of the child (e.g., to facilitate the safe return of the child)?

- No
 Yes

Please explain:

Please insert text here

39. In cases of child abduction, have competent authorities in your State taken measures of protection under Article 11, as an alternative to measures of protection in the form of mirror orders or undertakings, to facilitate the safe return of the child?

- No
 Yes

Please explain:

Please insert text here

Unaccompanied and separated children⁶ and emergency situations (Art. 6)

40. How often have competent authorities in your State dealt with **cases involving refugee children, internationally displaced children, or children whose habitual residence cannot be established** by using the framework of the 1996 Convention?

- Do not know
 Never
 Rarely
 Sometimes
 Very often
 Always

If possible, please provide supplementary information:

Please insert text here

41. Where the **habitual residence of a child present in your State could not be established**, have authorities in your State used any of the cooperation provisions of the 1996 Convention in determining the child's place of habitual residence?

- No
 Yes

Please specify:

Please insert text here

42. Have competent authorities in your State had experience with providing assistance to **discover the whereabouts of children** that went missing due to disturbances occurring in their State of habitual residence by using the framework provided by the 1996 Convention?

- No
 Yes

⁶ In relation to this section of the Questionnaire, see [Prel. Doc. No 7 of February 2020](#), "The application of the 1996 Child Protection Convention to unaccompanied and separated children".

Please specify:
Please insert text here

43. Have **procedures, guidelines, or protocols** been adopted in your State to deal with the protection of unaccompanied or separated children in the context of the 1996 Convention?

- No
 Yes

Please describe and also provide a link or attach any relevant documents, preferably translated into English or French:

The European Judicial Network on civil and commercial matters has published information and a collection of useful materials relating to civil judicial cooperation in the context of children from Ukraine. The “Children from Ukraine – civil judicial cooperation” webpage is available on the e-Justice Portal in all EU languages and provides:

- a summary of the legal rules that apply to judicial cooperation in cross-border cases involving Ukrainian children (i.e. questions of jurisdiction, applicable law, recognition of decisions, and cooperation between authorities);
- relevant information on Ukrainian family law;
- useful links and resources.

The information is intended for judges, lawyers, notaries, and central authorities, as well as child protection officials and others dealing with the registration of children arriving in EU Member States.

44. In emergency situations, such as a humanitarian crisis, have authorities in your State experienced any challenges, or have questions arisen, in regard to the **exchange of information** among authorities of the Contracting Parties, in particular taking into account Articles 36 and 37 of the 1996 Convention?

Please insert text here

45. Are you aware of whether **Preliminary Document No 7 of February 2020, “The application of the 1996 Child Protection Convention to unaccompanied and separated children”**, has been brought to the attention of the competent authorities in your State?

- No
 Yes

Please specify:
Please insert text here

International access / contact cases involving children

46. Should your State also be a Contracting Party to the 1980 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?⁷

- No
 Yes

Please explain:
Please insert text here

⁷ The Explanatory Report (Lagarde) on the 1996 Convention notes that cooperation under Art. 35(1) between authorities of States Parties with respect to rights of access “serves in a certain way to complete and reinforce the co-operation, which is not always effective, provided for the same purpose between Central Authorities” under Art. 21 of the 1980 Convention. Explanatory Report, para. 146 (1997).

Practical Handbook

47. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

- No
- Yes

Please specify:

Please insert text here

Agenda Items for the next SC meeting

48. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Convention? Please specify and list in order of priority:

Please insert text here

PART II – FOR NON-CONTRACTING PARTIES

49. Is your State currently considering **signing and ratifying or acceding to the 1996 Child Protection Convention**?

- Yes
If possible, please provide further information:
[Please insert text here](#)
- No
If possible, please provide further information:
[Please insert text here](#)

50. In considering how your State would **implement the 1996 Child Protection Convention**, have you encountered any **issues of concern**?

- No
- Yes
Please explain:
[Please insert text here](#)

51. Are there any **particular issues** that your State would like the SC meeting to discuss in relation to the 1996 Child Protection Convention?

- No
- Yes
Please specify and list in order of priority:
[Please insert text here](#)

52. Do you have any observations or comments to share concerning the **Practical Handbook** on the Operation of the 1996 Child Protection Convention?

- No
- Yes
Please specify:
[Please insert text here](#)