

QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF THE 1980 CONVENTION

Wherever your replies 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	PORTUGAL
<i>For follow-up purposes</i>	
Name of contact person:	Sara Almeida
Name of Authority / Office:	Directorate General for Justice Policy
Telephone number:	+351217924030
E-mail address:	Sara.a.almeida@dgpj.mj.pt

PART I: RECENT DEVELOPMENTS²

1. Recent developments in your State

1.1 Since the 2011 / 2012 Special Commission, 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 in the legislation / rules, and, where possible, the results achieved in practice (e.g., reducing the time required to decide cases).

- No
 Yes, please specify:

[April 2014 – Designation of the Portuguese Judge for the IHNJ](#)

1.2 Please provide a brief summary of any significant decisions concerning the interpretation and application of the 1980 Convention rendered since the 2011 / 2012 Special Commission by the relevant authorities³ in your State including in the context of the 20 November 1989 United Nations Convention on the Rights of the Child and relevant regional instruments.

In one case, the children were living with their mother in a shelter in the requesting State and have come to Portugal to escape from the aggressor (father) (applicant). The Court of the habitual residence of the applicant issued a provisional decision on parental responsibilities, stating that the mother could not live in Portugal with the children but at the same time has also refused the father's request for returning. After assessing the children situation, the Portuguese court decided not to order the return, in accordance with Article 1 (b) of the Convention in order to protect the best interest of the child.

1.3 Please provide a brief summary of any other significant developments in your State since the 2011 / 2012 Special Commission relating to international child abduction.

[Please insert text here](#)

2. Issues of compliance

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 and international child protection which have occurred in your State since the Sixth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (1-10 June 2011 and 25-31 January 2012) (hereinafter "the 2011 / 2012 Special Commission"). However, if there are important matters which you consider should be raised from *prior to* the 2011 / 2012 Special Commission, please provide such information here.

³ 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 States Parties such "authorities" will be courts (*i.e.*, judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

2.1 Are there any States Parties to the 1980 Convention with whom you are having particular challenges in achieving successful co-operation? Please specify the challenges you have encountered and, in particular, whether the problems appear to be systemic.

No

X Yes, please specify:

Lack of replies in due time, in particular with some states of South and Central America. Moreover, there are States in which the applicant must be represented by a lawyer, which implies expensive costs, due to the difficulties in obtaining legal aid and *pro bono* legal representation.

2.2 Are you aware of situations / circumstances in which there has been avoidance / evasion of the 1980 Convention?

No

X Yes, please specify:

Some decisions take a long time (up to 6 or 7 years) to be issued and in some cases return decisions are not enforced in the requested state. There are no mechanisms put in place to ensure that the return orders are enforced which leads to the inoperability of the Convention.

PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION

3. The role and functions of Central Authorities designated under the 1980 Convention⁴

In general

3.1 Have any challenges arisen in practice in achieving effective communication or co-operation with other Central Authorities?

No

x Yes, please specify:

Lack of answers from Honduras and Venezuela Central Authorities.

3.2 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 States Parties with whom you have co-operated?

No

x Yes, please specify:

Great difficulty in obtaining legal aid in the United States and lack of mechanisms to enforce return decisions, for example in Venezuela.

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

No

x Yes, please specify:

It is difficult to comply with the timeframe of 6 weeks established in Article 11.

Legal aid and representation

3.4 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 you have dealt with?

x No

Yes, please specify:

No, in Portugal it is not mandatory for the parties to be represented by a lawyer. The return proceedings are initiated by the Public Prosecution office.

⁴ See also Section 5 below on "Ensuring the safe return of children" which involves the role and functions of Central Authorities.

3.5 Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States you have dealt with, regarding the obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?⁵

- No
 Yes, please specify:

Locating the child

3.6 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:

The Portuguese Central Authority has no means of investigation. As requested state, where the location of the child is unknown, the police cooperates with the CA in order to locate the child.

3.7 Has your Central Authority worked with any external agencies to discover the whereabouts of a child wrongfully removed to or retained within your State (e.g., the police, Interpol, private location services)?

- No
 Yes, please share any good practice on this matter:

The Portuguese Central Authority cooperates closely with the Judicial Police.

Information exchange, training and networking of Central Authorities

3.8 Has your Central Authority shared its expertise with another Central Authority or benefited from another Central Authority sharing its expertise with your Central Authority, in accordance with the Guide to Good Practice – Part I on Central Authority Practice?⁶

- No
 Yes, please specify:

The Portuguese Central Authority had several bilateral meetings with other CA, in order to discuss best practices and exchange information.

3.9 Has your Central Authority organised or participated in any other networking initiatives between Central Authorities such as regional meetings via conference call or videoconference?

- No
 Yes, please specify:

He Portuguese Central Authority frequently holds meetings via conference call and videoconference with other central authorities.

Statistics⁷

3.10 If your Central Authority does not submit statistics through the web-based INCASTAT database, please explain why.

⁵ See paras 1.1.4 to 1.1.6 of the “Conclusions and Recommendations of the Fifth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the practical implementation of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (30 October – 9 November 2006) (hereinafter referred to as the “[Conclusions and Recommendations of the 2006 Special Commission](#)”) and paragraphs 32 to 34 of the [Conclusions and Recommendations of the Special Commission to review the operation of the Hague Convention of 19 October 1980 on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children \(1-10 June 2011 and 25-31 January 2012\)](#) (hereinafter the “C&R of the 2011/2012 Special Commission”) (available on the Hague Conference website at < www.hcch.net > under “Child Abduction Section” then “Special Commission meetings”).

⁶ Available on the Hague Conference website at < www.hcch.net > under “Child Abduction Section” then “Guides to Good Practice”. See, in particular, Chapter 6.5 on twinning arrangements.

⁷ See paras 1.1.16 to 1.1.21 of the Conclusions and Recommendations of the 2006 Special Commission (*supra*. note 5).

Prompt handling of cases

3.11 Does your Central Authority have mechanisms in place to ensure the prompt handling of cases?

- No
 Yes, please specify:
 Cases where the risk is higher are handled with priority.

3.12 If your Central Authority is experiencing delays in handling cases please specify the main reasons for these delays:

The lack of human resources is the main reason for eventual delays, as well the Court's timeframe compliance and the location of the children.

4. Court proceedings & promptness

4.1 Has your State limited the number of judicial or administrative authorities who can hear return applications under the 1980 Convention (*i.e.*, concentration of jurisdiction)?⁸

- Yes
 No, please indicate if such arrangements are being contemplated:
 With the express revocation of the previous law of the judicial organization in 2014, the exclusive competence of the family and juvenile courts was withdrawn. In some situations, jurisdiction on these matters is assigned to local courts.

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

- No
 Yes, please explain:

4.3 If your response to the previous question 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 explain:
 Please insert text here
 Yes, please explain:

At internal level, a Web page on the activity of the Judge of the International Hague Network of Judges was created, which includes documents about good practices in the enforcement of return decisions, on direct judicial communications and other matters.

Several conferences were also held in partnership with other entities related to good practices and dissemination of jurisprudence and international mediation.

4.4 If your State is experiencing delays in handling return decisions please specify the main reasons for these delays:

Return decisions are treated as urgent cases.

However, given the lack of specialization, the difficulty of responding to requests for information, the difficulty to find the child and the abductor, the need for translation of some documents, or even admission of evidence, namely involving the hearing of persons resident abroad, and appeals, can result on significant delays.

4.5 Do your courts regularly order immediate protective measures when initiating the return procedure, so as to prevent a new removal and minimize the harm to the child (*e.g.*, prohibit removal of the child from the jurisdiction, retain documentation, grant provisional access rights to the left-behind parent)?

⁸ See, *The Judges' Newsletter* on International Child Protection – [Vol. XX / Summer-Autumn 2013](#) the special focus of which was "Concentration of jurisdiction under the *Hague Convention of 25 October 1980 on the civil aspects of International Child Abduction* and other international child protection instruments".

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

Upon the receipt of the request for the return of a child, and bearing in mind the risk for the child, the courts have been advised to retain documentation and make an official communication to the SCHENGEN System in order to prevent the child from leaving the national territory.

When the CA has reasons to believe that the child may be at risk, the CA informs the Public Prosecutor of such risk in order to take the necessary measures under the scope of the article 7, b.

Other requests (e.g. provisional access rights to the left behind parent) will be considered depending on the concrete situation that is expressed in the information accompanying the request. Considering the concrete case, other provisional measures can be ordered according to the national law in order to minimize the harm to the child.

4.6 Do your courts make use of direct judicial communications to ensure prompt proceedings?

- Yes
- No, please explain:

Despite the information on the activity of the International Hague Network, the use of direct judicial communications still rarely occurs.

4.7 If your State has not designated a sitting judge to the International Hague Network of Judges does your State intend to do so in the near future?

- Yes
- No, please explain:

4.8 Please comment upon any cases (whether your State was the requesting or 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?

In the rare requests made in the context of direct judicial communications, the request was made in order to obtain information on the safe return conditions of the child or the conditions of the left-behind parent with a view to assess whether there is a need to safeguard protection measures.

5. **Ensuring the safe return of children**⁹

*Methods for ensuring the safe return of children*¹⁰

5.1 What measures has your Central Authority taken to ensure that the recommendations of the 2006 and 2011 / 2012 Special Commission meetings¹¹ regarding the safe return of children are implemented?

The Central Authority has been making efforts in order to ensure that the return of the children is carried out safely. Generally the handover of the child is made to the requesting parent.

5.2 In particular, in a case where the safety of a child is in issue and where a return order has been made in your State, how does your Central Authority ensure that the appropriate child protection bodies in the *requesting* State are alerted so that they may act to protect the welfare of a child upon return (until the appropriate court in the requesting State has been effectively seised)?

⁹ See **Art. 7(2) h)** of the 1980 Convention.

¹⁰ Where relevant, please make reference to the use of undertakings, mirror orders and safe harbour orders and other such measures in your State.

¹¹ See the [Conclusions and Recommendations](#) of the Special Commission of 2006 (*supra*. note 5) at paras 1.1.12 and 1.8.1 to 1.8.2 and 1.8.4 to 1.8.5 and the Appendix to the Conclusions and Recommendations and the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5).at paras 39-43.

When the return decision is ordered and the child was previously subject to a protective measure in Portugal, although provisional, this situation is reported to the Central Authority of the requesting State.

5.3 Where there are concerns in the requested State regarding possible risks for a child following a return, what conditions or requirements can the relevant authority in your State put in place to minimise or eliminate those concerns?

The situation of the child is reported to the requesting Central Authority, if necessary with a medical-psychological follow-up.

Use of the 1996 Convention to ensure a safe return

5.4 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**), in providing for their recognition by operation of law (**Art. 23**), and in communicating information relevant to the protection of the child (**Art. 34**)?

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

Protection of primary carer

5.5 Are you aware of cases in your State where a primary carer taking parent, for reasons of personal security (*e.g.*, domestic or family violence, intimidation, 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.

[There is no information available concerning cases where there is a need for protection of the primary carer. In the event of such cases, the Public Prosecutor is always informed.](#)

5.6 In particular, would your authorities consider putting in place measures to protect the primary carer upon return in the requesting State as a mean to secure the safe return of the child? Please explain and provide case examples where possible.

[The situation is not envisaged at the moment.](#)

Post-return information

5.7 In cases where measures are put in place in your State to ensure the safety of a child upon return, does your State (through the Central Authority, or otherwise) attempt to monitor the effectiveness of those measures upon the child's return? Would you support a recommendation that States Parties should co-operate to provide each other with follow-up information on such matters, insofar as is possible?

[The cooperation to provide each other with follow-up information on such matters, insofar as is possible and appropriate can be useful in order to seek the best solutions for the protection of the child, but the effective supervision of the measure should be the sole responsibility of the State where it is being applied.](#)

5.8 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for requesting a report on the situation of the child upon return to the State of habitual residence (**Art. 32-(a)**)?

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

6. Voluntary agreements and mediation

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

When there is no danger of further displacement, the requested parent is always asked if it is available for an amicable solution and voluntary return.

6.2 In what ways have you used the "Guide to Good Practice on Mediation"¹² for the purpose of implementing the 1980 Convention in your State? Please explain:

The Central Authority doesn't provide a cross-border mediation service.

6.3 Has your State considered or is it in the process of considering the establishment of a Central Contact Point for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children, or has this task been entrusted to the Central Authority?¹³

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

7. Preventive measures

7.1 Has your State taken steps to advance the development of a travel form under the auspices of the International Civil Aviation Organisation?¹⁴

- No
- Yes, please describe:

7.2 Regardless of whether the International Civil Aviation Organisation adds the development of a travel form to its work programme, would your State support the development of a non-mandatory model travel form under the auspices of the Hague Conference?

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

8. The Guide to Good Practice under the 1980 Convention

8.1 In what ways have you used the Parts of the Guide to Good Practice¹⁵ to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State?

- a. Part I on Central Authority Practice. Please explain:
The practice of the Central Authority is based on the principles included in the guide.
- b. Part II on Implementing Measures. Please explain:
We apply the principles of the Guide in order to improve the timely communication, with our interlocutors.
- c. Part III on Preventive Measures. Please explain:

¹² Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹³ As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". par. 114-117. See also Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 61.

¹⁴ See the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 92.

¹⁵ All Parts of the Guide to Good Practice under the 1980 Convention are available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

The Central Authority is always available to cooperate with the judicial and local authorities in order to avoid the abduction of children.

d. Part IV on Enforcement. Please explain:

In cooperation with the Portuguese Central Authority, a text on the enforcement of return decisions was published on the web page of the judge of the International Hague Network.

8.2 How have you ensured that the relevant authorities in your State have been made aware of, and have had access to, the Guide to Good Practice?

The guide to good practices was disseminated to the legal practitioners and local authorities as well as published in the website of the Ministry of Justice.

The Guide to Good Practices on Mediation is translated into Portuguese and was discussed at a Workshop held with mediators in October 2016.

8.3 Do you have any other comments about any Part of the Guide to Good Practice?

Please insert text here

9. **Publicity and debate concerning the 1980 Convention**

9.1 Has the 1980 Convention given rise to (a) any publicity (positive or negative) in your State, or (b) any debate or discussion in your national parliament or its equivalent?

No

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

The Convention is on the agenda. Some recent cases of child abduction have been referred in the media and debated in the Parliament.

9.2 By what methods does your State disseminate information to the public about the 1980 Convention?

Information is disseminated on the website, in meetings and Conferences as well as by email on request.

PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION
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10. **Transfrontier access / contact**¹⁶

10.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier contact / access?

No

Yes, please explain:

Please insert text here

10.2 Please indicate any important developments in your State, since the 2011 / 2012 Special Commission, in the interpretation of **Article 21** of the 1980 Convention.

Please insert text here

¹⁶ See the [Conclusions and Recommendations](#) of the 2006 Special Commission (*supra*. note 5) at paras 1.7.1 to 1.7.3.

10.3 What problems have you experienced, if any, as regards co-operation with other States in respect of:

- a. the granting or maintaining of access rights;
Please insert text here
- b. the effective exercise of rights of access; and
Sometimes decisions on the access rights are difficult to enforce.
- c. the restriction or termination of access rights.
Please insert text here

Please provide case examples where possible.
Please insert text here

10.4 In what ways have you used the "General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children"¹⁷ to assist in transfrontier contact / access cases in your State? Can you suggest any further principles of good practice?

Please insert text here

11. International family relocation¹⁸

11.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation, procedural rules or case law applicable to international family relocation? Where possible, please explain these developments in the legislation, procedural rules or case law:

Please insert text here

PART V: NON-CONVENTION CASES AND NON-CONVENTION STATES

12. Non-Convention cases and non-Convention States

12.1 Are there any States that you would particularly like to see become a State 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:

Portugal has many links with other Portuguese-speaking countries but, among them, only Brazil and Macau are part of the CH1980. We have frequent demands from African countries and East Timor and nothing can be done in the context of the Convention.

12.2 Are there any States which are not Parties to the 1980 Convention or not Members of the Hague Conference that you would like to see invited to the Special Commission meeting in 2017?

Angola, Cape Verde, Guinea, Mozambique, Sao Tome and Timor.

*The "Malta Process"*¹⁹

¹⁷ Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

¹⁸ See the Conclusions and Recommendations of the 2006 Special Commission meeting at paras 1.7.4 to 1.7.5: "1.7.4 The Special Commission concludes that parents, before they move with their children from one country to another, should be encouraged not to take unilateral action by unlawfully removing a child but to make appropriate arrangements for access and contact preferably by agreement, particularly where one parent intends to remain behind after the move.

1.7.5 The Special Commission encourages all attempts to seek to resolve differences among the legal systems so as to arrive as far as possible at a common approach and common standards as regards relocation."

¹⁹ The "Malta Process" is a dialogue between certain States 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

12.2 In relation to the "Malta Process":

a. Do you have any comment to make on the "Principles for the Establishment of Mediation Structures in the context of the Malta Process" and the accompanying Explanatory Memorandum?²⁰

[Please insert text here](#)

b. Have any steps been taken towards the implementation of the Malta Principles in your State and the designation of a Central Contact Point, in order to better address cross-border family disputes over children involving States that are not a Party to the 1980 and 1996 Hague Conventions?

No

Yes, please explain:

[Please insert text here](#)

c. What is your view as to the future of the "Malta Process"?

[We believe that the Malta Process is a useful platform. In 2016 it was the first time that a Portuguese judge could attend the Conference, but we hope to further follow the process closely.](#)

<p>PART VI: TRAINING AND EDUCATION AND THE TOOLS, SERVICES AND SUPPORT PROVIDED BY THE PERMANENT BUREAU</p>
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13. Training and education

13.1 Can you give 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 insert text here](#)

14. The tools, services and support provided by the Permanent Bureau

In general

14.1 Please comment or state your reflections on the specific tools, services and support provided by the Permanent Bureau to assist with the practical operation of the 1980 and 1996 Conventions, including:

a. The Country Profile available under the Child Abduction Section.

[Very useful.](#)

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

[Please insert text here](#)

c. *The Judges' Newsletter* on International Child Protection - the publication of the Hague Conference on Private International Law which is available online for free;²¹

[Please insert text here](#)

the States concerned. For further information see the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

²⁰ The Principles and Explanatory Memorandum were circulated to all Hague Conference Member States and all States participating in the Malta Process in November 2010. They are available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

²¹ Available on the Hague Conference website at < www.hcch.net > 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.

- d. The specialised "Child Abduction Section" of the Hague Conference website (< www.hcch.net >);
[Very useful.](#)
- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);²²
[Useful to have an overview of the problem.](#)
- f. Providing technical assistance and training to States Parties regarding the practical operation of the 1980 and 1996 Conventions.²³ Such technical assistance and training may involve persons visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;
[Very useful.](#)
- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);²⁴
[Very useful.](#)
- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;
[We can support that.](#)
- i. 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
[Please insert text here](#)

Other

14.2 What other measures or mechanisms would you recommend:

- a. To improve the monitoring of the operation of the Conventions;
[Regular meetings with the State Parties.](#)
- b. To assist States in meeting their Convention obligations; and
[Please insert text here](#)
- c. To evaluate whether serious violations of Convention obligations have occurred?
[Please insert text here](#)

PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION AND ANY OTHER MATTERS

15. Views on priorities and recommendations for the Special Commission

15.1 Which matters does your State think ought to be accorded particular priority on the agenda for the Special Commission? Please provide a brief explanation supporting your response.

[Considering Portuguese experience, it might be advisable to consider the preparation of a guide to good practice on procedural rules and judicial organization to be followed by States,](#)

²² Further information is available via the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "INCASTAT".

²³ Such technical assistance may be provided to judges, Central Authority personnel and / or other professionals involved with the practical operation of the Convention(s).

²⁴ Which again may involve State delegates and others visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences.

in particular as regards evaluation and case study, fast procedures and concentration of jurisdiction.

In addition there are situations of violence and abuse suffered by the abducting parent before the abduction that are not foreseen in the Convention and that can only justify a non return decision under Article 20 that should be addressed.

Matters as legal aid, pro bono lawyers, costs with legal representation in countries where this is mandatory, or communication difficulties and delays in cases with Countries from South and Central America are also important issues to discuss.

15.2 States are invited to make proposals concerning any particular recommendations they think ought to be made by the Special Commission.

Standard forms.

When the return is refused, the obligation, except in duly substantiated situations, to establish in the decision an access regime to the requesting parent should be addressed. The difficulties inherent to the fact that the parents are separated and living in different and often distant countries often determines a disconnection between the child and the parent without custody rights.

16. Any other matters

16.1 States are invited to comment on any other matters which they may wish to raise concerning the practical operation of the 1980 Convention.

Some of the answers provided are based on the set of cases in which the intervention of the International Network Judge was requested which means a little statistical expression. A database that would provide more reliable and meaningful information on this type of questionnaire is suggested to be implemented.

There are also practical concerns of what to do in situations where the requesting parent cannot be present at the hearing / judgment and it is not possible to use video conference and he has no legal representation.

Sometimes, when a return decision is issued there are big difficulties in enforcing that decision. Situations have arisen where the applicant has spent a considerable sum of money with plane tickets and the child has never returned to the State of origin.