

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	Norway
---	--------

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:

From 1 July 2018 changes entered into force in the Child Welfare Act concerning the deadlines applied to emergency care orders for children present in Norway and habitually resident in other states. The deadline for the Child Welfare Service to follow up an emergency care order with a petition to the Child Welfare Tribunal (formerly County Social Welfare Board) for their assessment and potential ruling of whether more long term measures should be implemented, is 6 weeks in cases where the child is habitually resident in Norway. If no petition has been brought before the tribunal within this deadline, the emergency care order will lapse. Previously this rule also applied to cases where the child had its habitual residence in another state. The change that came into force on 1 July 2018 introduced exceptions to this rule in the event that the Child Welfare Service has either made a request according to the 1996 Hague Convention for the state of habitual residence to implement measures of protection, or a request for the transfer of jurisdiction in the case. These changes were made to allow for the continued protection of children present in Norway, by preventing the urgent measure from lapsing during an ongoing process of co-

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

operation under the Convention, acknowledging also that such processes might take some time to complete.

Please note that a new Child Welfare Act entered into force on 1 January 2023 replacing the one mentioned above, and the relevant section in the new act is section 4-2.

- 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
HR-2019-1436-U	Supreme Court of Norway	Supreme Court	<p>The ruling is a decision from the Supreme Court Appeals Selection Committee, where the court sits with three judges and proceedings are written, unlike the more regular composition with five judges conducting oral hearings.</p> <p>The case concerned a parental dispute where the mother had moved abroad without the consent of the father. The decision concerns, amongst other things, an interpretation of the term "whereabouts" in article 7 no. 1 b) of the Convention, where the court concludes that it was not sufficient for the father to have knowledge about what country the child was in to fulfill this criteria, the knowledge had to be more specific regarding where the child was staying in that country.</p>
LB-2021-9259	Borgarting Court of Appeal	Court of Appeal	<p>The case concerned the question of transfer of jurisdiction in a parental dispute of a Norwegian-Australian couple. The parents had petitioned the courts in each of their home countries. As the jurisdiction was considered to lie with Norwegian authorities, the Australian court requested the Norwegian court to transfer its jurisdiction in the matter to Australia, in accordance with Article 9 of the 1996 Hague Convention. The main background for the request was the child's ethnic background, as the mother was an aboriginal, and the Australian Court considered Australia to be better placed to assess the best interests of the child in this particular case. The Court of Appeal considered</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>the criteria in Article 9 of the Convention, and after an assessment of the case concluded that jurisdiction was not to be transferred. The court emphasized that the child’s cultural and ethnic background would be sufficiently highlighted through documentation, examination of the parties and witnesses, and additionally that a court appointed psychologist expert witness could be asked to assess these aspects of the case in particular, and if necessary be required to obtain additional cultural competence on the subject in their work.</p>
<p>LA-2018-136820</p>	<p>Agder Appellate Court</p>	<p>Appellate court</p>	<p>The case concerned a child welfare case in which a care order had been issued for a child who lived in Norway with her mother, both Hungarian citizens. The child was born in Hungary and had lived there for the first two years of her life. The mother's parents in Hungary were potential care takers for the child. The mother was at the time of the proceedings no longer present in Norway.</p> <p>On this background, and following a petition from the Child Welfare Service, the case concerned the appellate courts review of the County Social Welfare Board and District Court's decisions to request for a transfer of jurisdiction from Norway to Hungary.</p> <p>The appellate court clarified several aspects of the process of transferring jurisdiction according to Norwegian legislation and Article 8 no. 1 of the Convention. Namely, it was concluded that the consent of a parent with parental responsibility was not necessary for a transfer of jurisdiction to take place (the mother opposed the transfer of jurisdiction). Consequently the court concluded that Hungary would be better placed to consider the best interests of the child in this particular case and decided to request for a transfer of jurisdiction to Hungary, despite the mother's opposition.</p>

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):

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:

Questions have arisen concerning the scope of the Convention in relation to article 4 b, that excludes "decisions on adoption, measures preparatory to adoption, or the annulment or revocation of adoption", in particular in cases under Article 34.

In the Norwegian Child Welfare Legislation, adoption is one of the available protective measures. It is a measure that is rarely used, but when it is used it is most commonly in cases where a child has already been placed in foster care for a long period of time. In such cases, the Child Welfare Service is responsible for the follow up of both the child and the parents, based on the principle of the best interest of the child. They will also be responsible for assessing whether an adoption could be necessary and in the best interest of the child. As the Child Welfare Service needs to take all relevant information into account in all of its decisions, there is a somewhat organic transition between instances when the child welfare service needs information from another for purposes that fall outside the scope of Article 4 b, and for purposes that fall within the scope of the article.

It is worth noting that these questions have arisen in both incoming and outgoing cases under the Convention, as we have also received requests from other states similar to the ones described above, where the information requested is both needed for other purposes, and for purposes concerning a possible adoption. It can be challenging to distinguish between the different reasoning behind requests for information in these cases.

Furthermore, in addition to the cases where it's difficult to distinguish the reasons behind a request, questions also arise cases where the need for information from another state is based solely on a purpose that falls within the scope of Article 4 b. As described above, adoption is available as a protective measure in Norwegian legislation, however it is subject to strict scrutiny by the Child Welfare Tribunal and courts, due to the gravity of the measure. Consequently it is essential for the authorities to do everything possible to get in contact with parents that are abroad, or to gather necessary information about parents. As the 1993 Hague Convention on adoptions is not applicable in such cases, the result of excluding the cases from the 1996 Hague Convention is that the authorities are left inadequate options to best secure the rights of the parents in cases where an adoption might be in the best interest of the child.

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:

Questions might arise in cases where parents travel out of Norway where the intention and motivation seemingly is to avoid possible protective child welfare measures. These cases might give rise to some situations that can be challenging to categorise, for example in cases where parents travel out of the country and the motivation is to avoid the Child Welfare Service in Norway, in these cases they can move between several countries and it can therefore be difficult to assess the habitual residence of the child.

Furthermore, difficult assessments have arisen in cases where a child travels back and forth between two countries frequently, possibly living in a split custody situation close to the border, with one parent in each country.

Please also see section 4.10. below.

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:

The Supreme Court of Norway's decision with the reference HR-2022-207-A, which will be described more detailed in the 1980-questionnaire, concerned jurisdiction and child abduction issues. The court concluded that in the event that a family has travelled out of Norway legally, and a Child Welfare Tribunal (formerly known as County Social Welfare Board) later on issues a care order for the child (based on jurisdiction arising from Art. 5), that the continued stay abroad would constitute a wrongful retention according to both the 1980 and 1996 Conventions.

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:

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:

From 2019-2022 we have registered 9 cases, this includes both incoming and outgoing cases, and both cases resulting in a transfer of jurisdiction and cases not resulting in a transfer. The cases have been related to child welfare cases and parental disputes.

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:

The rules concerning transfer of jurisdiction are currently stipulated in the 1996 Hague Convention Act. The current rules provide some guidance concerning the specific procedures of a transfer of jurisdiction, such as what authority in Norway is the competent one and how to petition for a transfer of jurisdiction, but this is limited to the relevant sections of the act describing the rules. No other materials exist besides the legislation and its preparatory works.

However, a regulation concerning the transfer of jurisdiction is currently under development. When and if the regulation enters into force it will presumably provide more detailed guidance about the procedures for the competent authorities involved. The timeline for the development is currently not fixed.

- 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:

Questions have arisen with respect to the application of Article 11, both in incoming and outgoing cases.

Namely, in cases where the competent Norwegian authorities assess that a child is present in Norway and habitually resident in another state, but the competent authorities of the state of the presumed habitual residence have a different

assessment of the child's habitual residence. In such cases, the Norwegian competent authorities will have legal grounds and jurisdiction only to implement urgency measures in accordance with Article 11. However, if the competent authorities of both Norway and the other state assess that the child is habitually resident in the co-operating state, a sort of jurisdictional vacuum arises when the competent authorities have different assessments that are in conflict.

This can be a challenge for Norwegian competent authorities, where they risk a lack of national legal grounds to protect the child, as there are mainly only urgency protective measures available to them. Furthermore, this can be a challenge when there are different competent authorities, as mentioned above in section 1.1. of the form, the Child Welfare Service are competent to implement urgency measures, but they must petition the Child Welfare Tribunal for more long term measures. The tribunal's assessment will be independent of the Child Welfare Service's views. Furthermore, in such situations the question can arise whether Article 6 of the Convention is at all applicable when two states' authorities have conflicting views in their assessments of the habitual residence.

Another side of these questions are highlighted due to the nature of Norwegian national legislation for protective measures. In addition to the rules relating to children present in Norway and habitually resident abroad (see section 1.1. above), there is national legislation concerning children that are present abroad and habitually resident in Norway. In these latter cases, national Norwegian legislation only provides limited legal grounds for protective measures. The protective measures that are available in these situations are sections 5-1 and 6-2 of the Child Welfare Act (section 5-1 is a traditional care order, and section 6-2 is a placement based on the child's behaviour challenges), both of these measures are more long term, and not emergency measures. The competent authority to decide on these measures is the Child Welfare Tribunal, following an ordinary process consisting of court like proceedings with evidentiary hearings and with both the public party and the private parties (parents, child) being represented by lawyers. Such proceedings necessarily take time, and they require a substantial factual and evidentiary basis for the tribunal to assess the case.

Consequently, the challenge arises in cases where the competent authorities of another state has implemented urgent measures of protection for a child in accordance with Article 11, and expect Norwegian competent authorities to quickly return the child to Norway. As the Child Welfare Service doesn't have legal grounds to implement urgent measures for children not present in Norway, there might be no legal grounds for the Child Welfare Service to assist in returning the child to Norway, as requested by the other State. This results in the child having to remain in the other state while for example a potential care order process (section 5-1) is commenced in Norway. As such a process takes time and requires substantial amounts of information from and about the parties, this can be challenging. Furthermore, it doesn't necessarily follow from the fact that urgent measures have been implemented in one state, that there are grounds or need for a care order in Norway. Consequently, Norwegian authorities can be lacking the necessary "tools" to act according to the other state's expectations.

This latter challenge is caused by national legislation, but from our experience such legislation differs in the contracting states. The fact that Norway has these somewhat limited legal grounds in these cases can be a challenge for states that have implemented Article 11 measures for children habitually resident in Norway, and measures that possibly also have been implemented following a notice of concern from Norway concerning the child in question.

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:

Mainly, we experience that the rules on applicable law in Article 16 are not well known, which is a challenge.

In addition, we can mention that the authorities are currently undertaking a review of rules and procedures relating to registration of parental responsibility in the National Population Register. The background of the revision is that more than 15 000 are currently registered without known parental responsibility. One of the goals of the revision is to implement rules that makes it possible to register parental responsibility that is acknowledged in Norway in accordance with articles 15,16 and 17 of the Convention.

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:

With relation to recognition and enforcement, the question of the distinction between the two and their different usage when effectuating a decision of a measure of protection has arisen in several cases. The main challenge has been to distinguish between in which situations it is sufficient with the recognition of a foreign decision to effectuate a protective measure, and in which situations it is necessary to obtain a declaration of enforceability and/or subsequent enforcement proceedings according to Article 26 to be able to effectuate a protective measure.

Concerning protective measures such as decisions on custody and access between parents, this is not necessarily particularly challenging as the need for enforcement normally naturally follows from the one parent potentially not respecting the measure in a conflict with the other parent. However, concerning protective measures taken by child welfare authorities in another state, there are limited national legislation and guidelines concerning the processing of such cases in Norway. One challenge especially arises when a parent objects to the acknowledgement of a child welfare measure. In these cases it is the competent authorities in another state that has the care of the child, and asks for acknowledgement. The question is whether the parent(s) objection means that Article 26 (and 28) are necessary to have a measure effectuated by the Norwegian Child Welfare Service. Please also see the response in section 16 below.

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:

It follows from the national legislation implementing the Convention (The Norwegian Hague 1996 Convention Act) that a party might request such advance recognition directly before the courts, without involving the Central Authority. The Central Authority therefore has no statistics on these requests.

From the court that has centralized jurisdiction in these matters, Oslo District Court, we have received feedback that to their knowledge they have had one case the last two years, and a total of two cases since 2017. They are however working on improvements on identification of these cases for better registration and routing to specialized judges.

They furthermore informed us that there has also been three cases since 2017 regarding both recognition (Article 23/24) and declaration of enforceability (Article 26).

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:

The jurisdiction to declare a measure enforceable is centralized to Oslo District Court.

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

There is no regulation of the time frames for such procedures in the 1996 Hague Convention Act. However, the obligation regarding rapid procedures in these cases is also highlighted in the preparatory works to the Act. The court with centralized jurisdiction for these cases, Oslo District Court, has informed us that these cases are highly prioritized,

often with a time frame of a week or less for a declaration of enforceability to be issued. The time frame will also depend on which procedure is needed in the specific case, especially the need for contradiction.

c) Is legal representation required? Please explain:

No, legal representation is not required.

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:

Reference is made to section 6.13, and the question concerning effectuating protective measures based only on recognition, or whether a declaration of enforcement or an enforcement is necessary.

Further, there is also the question of the extent of contradiction in such cases, balanced against the need for a simple and rapid procedure. The question of which procedure to imply, and the extent of contradiction to allow is especially challenging in very urgent cases. An example is where an infant under public care has been abducted to Norway from another Contracting state, and the competent authorities in this state asks for the return of the child based on an acknowledgment/enforcement of a care order.

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
--------	---------------------

<p>a) A request to organise or secure effective exercise of rights of access in another Contracting Party (requested State)⁴</p>	<p><input type="checkbox"/> 1. None</p> <p><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input checked="" 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 checked="" 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 checked="" type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input checked="" type="checkbox"/> 10. Provision of regular updates on the progress of the application</p> <p><input checked="" type="checkbox"/> 11. Other, please specify: Providing information on the possibility to contact the Norwegian Embassy/Consulate in the country where the child resides to get a list of lawyers practicing in the State in question, if such information has not been received from the Central Authority in the requested State.</p>
<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>	<p><input type="checkbox"/> 1. None</p> <p><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input checked="" 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 checked="" 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 discovering the whereabouts of a child who has been wrongfully removed or retained</p> <p><input type="checkbox"/> 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child</p> <p><input type="checkbox"/> 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue</p> <p><input type="checkbox"/> 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child</p> <p><input type="checkbox"/> 10. Assistance in providing or facilitating the provision of legal aid and advice</p> <p><input type="checkbox"/> 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child</p> <p><input type="checkbox"/> 12. Assistance in obtaining private legal counsel or mediation services</p> <p><input checked="" type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input checked="" type="checkbox"/> 14. Regular updates on the progress of the application</p> <p><input checked="" type="checkbox"/> 15. Other, please specify: Providing information on different aspects of a child abduction case such as possibility of legal aid, police assistance, legal recourses etc.</p>
	<p><input type="checkbox"/> 1. None</p>

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).

<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 checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" 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 checked="" type="checkbox"/> 11. Referral to other governmental and/or non-governmental organisations for assistance <input checked="" 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 checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" 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 recognition or non-recognition of a measure taken in your State (see Art. 24)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" 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 checked="" 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 obtaining private legal counsel <input checked="" type="checkbox"/> 7. Regular updates on the progress of the request <input checked="" type="checkbox"/> 8. Other, please specify: Providing information regarding legal representation by informing the parent that the Norwegian Embassy/Consulate in the requested state can be contacted for a list of lawyers that can be used, given that this is needed and has not been provided by the Central Authority in the requested state.
<p>f) A request that the competent authorities of another State Party declare enforceable</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 1. None <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State

<p>or register for the purpose of enforcement measures taken in your State (see Art. 26)</p>	<p><input checked="" 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 checked="" 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 checked="" type="checkbox"/> 7. Regular updates on the progress of the request</p> <p><input checked="" type="checkbox"/> 8. Other, please specify: Providing information regarding legal representation by informing the parent that the Norwegian Embassy/Consulate in the requested state can be contacted for a list of lawyers that can be used, given that this is needed and has not been provided by the Central Authority in the requested state.</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 checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input checked="" 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 checked="" 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 checked="" type="checkbox"/> 9. Referral to other governmental and / or non-governmental organisations for assistance</p> <p><input checked="" type="checkbox"/> 10. Provision of regular updates on the progress of the application</p> <p><input checked="" type="checkbox"/> 11. Other, please specify: Facilitation of contact with the parent residing in Norway to get his/her view on the request from the other parent, and urge for co-operation. Providing information regarding the possibilities for mediation, and who to contact in this regard. Providing information regarding the legal process for establishing right to access, and the possibility for free legal aid in this regard.</p>
<p>b) A request to secure the return to your State of a child subject to international abduction where the 1980</p>	<p><input type="checkbox"/> 1. None</p> <p><input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention</p> <p><input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State</p> <p><input checked="" 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>

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>Convention is <u>not</u> applicable</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input checked="" 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 checked="" type="checkbox"/> 13. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" 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 checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" 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 checked="" type="checkbox"/> 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State <input checked="" 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 checked="" type="checkbox"/> 11. Referral to other governmental and / or non-governmental organisations for assistance <input checked="" 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 checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" 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 checked="" 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 recognition or non-recognition of a measure taken in your State (see Art. 24)</p>	<p><input type="checkbox"/> 1. None <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" 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 checked="" 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 obtaining private legal counsel <input checked="" type="checkbox"/> 7. Regular updates on the progress of the request <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 <input checked="" type="checkbox"/> 2. Assistance in obtaining information on the operation of the 1996 Convention <input checked="" type="checkbox"/> 3. Assistance in obtaining information on the relevant laws and procedures in the requested State <input checked="" 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 checked="" 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 obtaining private legal counsel <input checked="" type="checkbox"/> 7. Regular updates on the progress of the request <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:

In cases concerning access between a parent and a child, the Norwegian Central Authority can send a letter to the parent in Norway encouraging them to come to an amicable solution with the parent abroad. Please also note that mediation in most cases is an obligatory step before bringing a parental dispute before the Norwegian courts. The Norwegian Central Authority will refer the person to the correct mediation authorities when contacted about such cases.

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:

Questions have arisen regarding the distinguishment between a placement as a protective measure decided by competent authorities, and a private placement agreed upon by the persons with parental responsibility and the care taker. The distinguishment

is important due to the obligatory procedures under Article 33, please see below under letter f.

- b) **time frames** of consultations under Article 33

Please provide further details, if possible:

As the Norwegian legislation poses additional criteria for a placement across borders (please also see below under letter f), we have experienced some challenges related to the time frame of the process. We have for example experienced that the additional Norwegian criteria that there has to be a signed agreement between the competent authorities that regulates numerous aspects of the placement can raise legal questions in the requested state, in particular related to which authority is the competent one to enter into such an agreement.

- 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:

Questions have arisen concerning measures that have no equivalent in the Norwegian system. In particular this relates to protective measures that entail a transfer of the parental authority and the custody of a child to other persons than the parents. In such cases it can be difficult for Norwegian authorities to distinguish between whether the situation is a transfer of parental authority that should be recognised under Article 23, or a cross border placement that would have to follow the procedure under Article 33 and the additional requirements under Norwegian legislation (please see below under letter f), in particular the requirement of consent from the parent(s). In the cases we have experienced, such measures that entail both a transfer of the parental authority and the custody of the child have rarely been voluntary. As there are no equivalent measures in Norwegian legislation, it can be challenging to categorise the measure, and consequently to assess whether it needs to fulfill the additional requirements of an article 33 procedure.

- 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:

- f) other issues relating to Article 33.

Please specify:

Questions have arisen concerning the habitual residence of children placed abroad. The Child Welfare Service has legal responsibility for a child that is being placed abroad. The fact that the child's habitual residence at a certain point may change (altering the jurisdiction) can however represent a challenge for the the Child Welfare Service due to the lack of predictability of when/if a transfer of jurisdiction will happen.

We have also experienced challenges in cases where the procedure under Article 33 is not followed, and Norwegian Authorities are requested (either for an approval of the placement or supervision of the placement etc.) after the child is already placed in Norway. If the procedures are not followed, there are limited possibilities for retro-actively approving a placement. Subsequently, such an approach might therefore render the placement impossible.

In addition to the requirements in Article 33, Norwegian national legislation impose some further requirements for placements under Article 33 of the Convention. These additional criteria are presented in Section 3-3 of the Child Welfare Act. The main

additional criteria is that the placement has to be voluntary (consent from the parent(s) and children above 12 years of age). Further, a child may only stay in a specific foster home or institution in Norway if the conditions in Section 3-3 first paragraph are met and the child has been granted a residence permit by the authorities in Norway.

Norwegian authorities also receive different inquiries from other states, foundations, organisations and private individuals concerning the criteria for very short term placements in Norway of children in care abroad. The duration of such proposed placements can range from a few weeks to a few months, seemingly comparable to vacations. The requirements and processes of Article 33 and Section 3-3 of the Child Welfare Act will however apply to any placement in Norway no matter the duration. This might be a challenge for foreign actors that are interested in commencing such short term placements, due to the time frame and somewhat complex process.

Kafala placements have also given rise to the question, as to whether Norwegian legislation allows for Kafala placements in Norway under Article 33. This legal uncertainty makes it difficult for competent authorities to process requests for such placements into Norway.

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:

Section 3-3 of the Child Welfare Act, as mentioned above, encompasses some additional requirements, and also provides some indications to how an Article 33 procedure should be executed. No other extensive materials for this purpose exist.

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:

Firstly, one of the additional requirements under Section 3-3 of the Child Welfare Act concerns the need for an agreement between Norwegian and foreign authorities detailing, among other things, the regulation of supervision of the placement. Information from such supervision will be sought followed up by the Norwegian authority responsible for the placement.

Secondly, when a child is under the care of the Norwegian Child Welfare Service, it has an obligation to follow up on the situation of the child, and this will apply to placements abroad as well.

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:

We have experienced challenges when receiving requests for information that span very broad. For example the request can concern collection of information from other institutions/actors than authorities - such as former and current employers of a parent residing in Norway. We are unable to comply with these parts of the requests, as we can only collect information from other authorities.

Furthermore, it can be challenging when the request is for "any other relevant information" or similar, in which case the Central Authority has a limited ability to pinpoint the relevant authorities and collect information. Lastly, (comprehensive) requests for health information can be challenging due to the information being particularly sensitive, and the assessment of the relevance of and need for the information weighed against the right to privacy and rules of confidentiality might prove challenging.

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:

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)::

The Network judges have informed us that it has been used in some cases. Direct communication was for example used in one case concerning transfer of jurisdiction, to obtain greater insight into the process of jurisdiction transfer in the court system in the (potentially) requested state.

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:

The competent authority in Norway for issuing these certificates are the County Governors. They have provided us with feedback that they rarely issue such certificates. It has been done in a handful of cases, but we do not have exact numbers.

The County Governor in Oslo and Viken has reported that there are several questions arisen in their work with these certificates. They report that it can be challenging to assess whether there are sufficient grounds to issue a certificate, and also that it can be challenging to assess foreign documents, both their veracity and whether they are issued by the competent authority. They have also reported difficulties with assessing the rules and legislation of the state(s) where the child previously had its habitual residence.

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:

Norway has not made any reservations under articles 55 or 60.

We have had some examples of co-operation under the Convention in matters concerning the protection of the property of a child. This has mainly been related to cases where the Norwegian authorities have been responsible for safeguarding the economical assets of a child (for example awarded damages after criminal cases), and when the child has moved abroad. Co-operation has been necessary to be able to transfer the assets to the child or the authorities of the new habitual residence. In some cases this has been challenging as there has not been an equivalent system in the other state, resulting in difficulties with proceeding with the transfer.

9. Special topics

International family relocation

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

- Yes
Please describe such procedures, if possible:
- 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:
The case concerned a family living in another contracting state. One of the parents approached Norwegian authorities with information about plans to move to Norway with the child, provided that the court of the child's habitual residence decided to grant the parent in question custody and permission to relocate abroad with the child. The parent further informed us that the court seized in this parental dispute had set as a criteria for its decision to be valid that a guarantee could be provided by Norwegian authorities that the decision as a whole would be respected (e.g. the access regulation relating to the remaining parent). The parent subsequently received a decision for advanced recognition from Oslo District Court, so that this criteria was fulfilled and the mechanism thus allowed for international family relocation.

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:

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:
When a case concerning child abduction arises in relation to a state that is party to both conventions, the Norwegian Central Authority often asks the receiving state which of the conventions will be the most efficient mechanism for return in light of the specific circumstances in the individual case.

In one case where the abducting parents (the child was abducted from public care) were arrested following an international warrant, and the child therefore was taken into temporary public care, the authorities of that state advised that recognition and/or enforcement of a Norwegian decision in accordance with the 1996 Convention would be more efficient than starting a 1980 Convention return process. Such a 1996 process could in that case be incorporated in the already ongoing proceedings relating to the temporary placement of the child.

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:

In several cases where children have been abducted or have run away from their placement in public care in Norway, the competent Norwegian authorities have commenced the process by either requests for localisation (Article 31 c), notices of concern (Article 36) or general requests for co-operation. In these cases, as mentioned above, we often ask for advice of the other state's authorities concerning which convention to use. Such initial requests or notices have contributed to the localisation and return of children in several cases.

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:

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:

This provision was more rarely used before the recent invasion of Ukraine, after which we have seen some more cases where this provision was applicable. The Norwegian Central Authority has in its role of providing guidance to Child Welfare Services, referred to this provision as possible grounds for jurisdiction for children coming from Ukraine. We do

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".

however not have numbers indicating the actual usage of this provision as grounds for jurisdiction in subsequent decisions or proceedings.

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:

In one case Norwegian authorities commenced co-operation with other states relating to exchange of information of the family's travel history and other information to be able to co-operate towards an assessment of where the habitual residence of the child was established.

However, the outcome of the co-operation was that Norwegian competent authorities and the competent authorities of the other state differed in their assessments of the habitual residence based on the exchanged information. Please see section 4.10. above for further notes relating to such issues.

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

Please specify:

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:

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:

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:

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:

We are interested in exploring views on the relationship between the 1996 Hague Convention and the the EU's General Data Protection Regulation (GDPR).

Several of the contracting parties to the 1996 Hague Convention are not EU/EEC members, and would therefore be considered third countries under the regulation. Consequently, the requirements of the GDPR chapter V are to be met for a transfer of personal information to such third countries to be in accordance with the regulation.

Article 96 of the GDPR provides the following text: "International agreements involving the transfer of personal data to third countries or international organisations which were concluded by Member States prior to 24 May 2016, and which comply with Union law as applicable prior to that date, shall remain in force until amended, replaced or revoked."

We are interested in the interpretation of this provision in relation to the 1996 Hague Convention, and whether states have assessed that Article 96 implies that a basis for transfer according to the regulation's Chapter V isn't needed in cases where personal data is transferred to a third country. Alternatively, whether Article 96 has been considered to imply that previously concluded agreements can fulfill the conditions in Article 46 no. 2 letter a or Article 48 of the GDPR.

Furthermore, we are interested in whether, in the context of the 1996 Hague Convention, other states have concluded that a basis for transfer in accordance with Chapter V of the GDPR is necessary for transfers of personal data to third countries, and in that case what basis for transfer has been used and on what grounds.

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).

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](#)