

European Network on Parental Child Abduction.

HAGUE CONVENTION OF 25 OCTOBER 1980 ON THE CIVIL ASPECTS OF
INTERNATIONAL CHILD ABDUCTION

Matters for the agenda of the meeting of the Specials Commission of the Hague
Conference to take place in March 2001.

Topic 1

Enforcement – ability to enforce order for return

The ENPCA / **reunite** is concerned that in some jurisdictions an order for return is made but that the order makes either no, or inadequate, provisions for putting the return into practical effect.

Indeed some foreign orders do not even provide a specific date for the return.

The result is that it is not until the defendant has failed to return the child that any arrangement or inquiries for enforcement are made.

The left behind parent has then to commence complex enforcement proceedings.

This conflicts with the position in England and Wales where on ordering a return the manner in which the return is to take effect is set out in detail. Most importantly the English court will put into place arrangements to ensure that the abductor can not disappear with the child between the date of the order and the date of return.

THE ENPCA/**reunite** has had considerable problems with the jurisdiction of Greece, Bosnia and the United States of America. Please see attached case study.

Case History.

Mother: Caroline Taylor

Childs name: Aristides Kerpetzis Date of birth: August 1996

Date of Abduction / Wrongful Retention: August 1999 (WR)

Abductors relationship with child: Father

Country involved: Greece

February 1995.	Caroline Taylor and Christos Kerpetzis married in UK.
February 1995	Moved to Greece
January 1996	Problems within the marriage Caroline returns to UK alone
August 1996	Aristides was born in UK
June 1997	Mum and child move to Greece
August 1997	Problem within marriage mum and child return to UK
September 1997	Mum goes to Greece with child
February 1999	Family all move back to the UK
May 1999	Christos takes Aristides for a holiday in Greece - Due to return in August 1999.
July 1999	Christos informs Caroline that she would never see her child again and that they are moving to Brazil.
9 July 1999	Caroline contacts Lord Chancellor's Department (Child Abduction Unit).
19 July 1999	Application under Hague Convention forwarded to Ministry of Justice in Greece.
August 1999	Caroline travels to Greece to try to see her son and persuade Christos to allow Aristides to return to the UK.
11 August 1999	Caroline make application to Greek Court for interim access
25 August 1999	Notification from Greece that lawyer has been appointed. Custody proceeding adjourned pending outcome of Hague application.
23 September 1999	Hearing of Hague Application in the Xanthi Court of First Instance.
30 September 1999	Notified that Christos and Aristides have disappeared, the Police have been informed.
18th October 1999	Judgment given. Summary return ordered. Christos was informed he will be fined 100,00 drachma imprisoned for up to 8 months if he fails to comply with the order of the Court.
29 October 1999	Fax from Greece, unable to locate Christos or Aristides.
6 December 1999	Child Abduction Unit contacted by Malicious Calls Unit (Police UK). Christos making abusive telephones calls to Caroline.
14 December 1999	Child Abduction Unit fax Greece with details of Malicious Calls Unit. Number refers to home of parental grandparents details of which were provided in original application.
6 January 2000	Child Abduction Unit fax Greece requesting further information, also notifying them of media interest.

- 30 January 2000 Caroline travels to Greece with television documentary team to try to locate Aristides.
- 1 February 2000 Child Abduction Unit contacted by Caroline (whilst in Greece). Stating that Greece is not cooperating.
- Aristides is attending school.
 - Christos living at address of paternal grandparents.
 - Greek Lawyer to request criminal warrant.
- 4 February 2000 Child Abduction Unit contacted by Caroline. Police attended schools but Aristides did not attend and Christos has disappeared from his address. Requested Child Abduction Unit to contact President of Supreme Court in Athens. Child Abduction Unit restricted to discussions with Ministry of Justice. Faxed Greece about situation and requested assistance.
- Child Abduction Unit contacted by Producer of documentary team who is "horrified" at reaction of Greek Police.
- 1 March 2000 Child Abduction Unit informed that Greek Police are still making inquiries.
- 29 March 2000 Child Abduction Unit informed that Appeal application made by Christos is rejected - Police still making inquiries.
- 9 June 2000 Child Abduction Unit informed by **reunite** that Christos has been arrested. Caroline to travel to Greece immediately.
- 12 June 2000 Child Abduction Unit informed by **reunite** that Christos has been released on 1 June 2000.
- 21 June 2000 Fax from Greece confirming Christos had been arrested on 1 June 2000 and sentenced to 5 months prison. Christos lodged an appeal and released. Lawyer attended house on 20 June with Caroline and bailiff - unable to locate Aristides.
- Caroline returns to UK without Aristides.
- 27 June 2000 Notification from Greece advising appeal hearing lodged by Christos will be heard on 10 November 2000. Caroline to be represented by State Lawyer.
- Child Abduction Unit requests details of appeal and assurances that return will immediately be enforced should the appeal fail.
- 29 June 2000 Information received from Greece with details of appeal procedure and confirmation that order for return remains enforceable regardless to pending appeal.
- 30 June 2000 Copy of appeal lodged by Christos received from Greece
- 19 July 2000 Child Abduction Unit - fax to Greece explaining enforcement procedure in jurisdiction of England and Wales (at request of Greece).
- 5 September 2000 Child Abduction Unit fax Greece to inquire whether Christos has been arrested.
- 5 October 2000 Child Abduction Unit fax Greece for details of lawyer
- 12 October 2000 Greece fax Child Abduction Unit with details of lawyer appointed.
- 31 October 2000 Greek Lawyer representing Caroline suggest that the District Attorney is approached with a request that he/she does everything possible to ensure that Christos attends appeal hearing.
- 10 November 2000. Day of Appeal. Caroline did not attend (as she could not face coming back to the UK again without her son). Greek Lawyer also advised that at this stage it was not necessary.
- Christos did NOT attend Court
 - Grandmother attend Court
 - Judge to give decision in 40 days.

21 November Christos telephones Caroline - Very abusive, but allowed Aristides to speak with his mother - he said very little.

8th January 2001 Still awaiting decision of Greek Court Child Abduction Unit has received no news. Faxed Greece for update.

Caroline spoke with Greek Lawyer - no news advised to call again on 12 January 2001.

NOTE:

Throughout this case a number of agencies have been involved on a daily, weekly or monthly basis, they are as follows:

Lord Chancellor's Department - Child Abduction Unit

- **reunite** International Child Abduction Centre (NGO)
- Foreign and Commonwealth Office
- Interpol - London.

Plus:

- The Parliamentary All Party Group on Child Abduction
- Mrs Taylors - Member of Parliament
- Mrs Taylors - Member of the European Parliament

This case has also received a high profile with UK Government Ministers, who have raised this case with The Ministry of Justice, and Government Ministers in Greece.

Sadly, Aristides has had not face to face contact with his mother since May 1999

JAN/01/DC

Topic2

Judicial proceedings, including appeal

The ENPCA/**reunite** has nothing to add to the comprehensive explanation and recommendations put by the UK delegation to the Common Law Judicial Conference on International Child Custody
- Washington DC - November 2000.

Topic 3

Assessment of membership

For the Hague Convention to work well, much more than member status alone is required. Experience has shown that those countries which have not taken steps to ensure that the Hague Convention actually works in practice tend not only to have a less productive membership of the Hague community, but also tend to undermine the Convention itself.

Therefore, beyond subscribing to the limited requirements of the Convention it is highly desirable that signatory states take steps to ensure that:-

I The Convention is reasonably accessible to applicants

- (a) there should be a reliable, regularly staffed (though not necessarily large - see the English example) Central Authority
- (b) open during, at least, normal business hours throughout the year
- (c) accessible by telephone, fax and e-mail
- (d) with the ability to liaise directly with applicants and with other Central Authorities
- (e) there should be funding ("legal aid") for the representation of applicants in court (or in the alternative, direct representation) so that proceedings may start swiftly
- (f) proceedings should be conducted effectively by competent specialists.
 - A foreign applicant will almost always be handicapped by location and/or language in finding a suitable lawyer in a short time.
 - Many "pro bono" schemes fail to deliver a real service in the Hague context, because there is a shortage of lawyers prepared to take on work on this basis - leading to delay - and a shortage of specialist lawyers with relevant experience in this field.
- (g) the court system (including at the appellate level) should be:-
 - (i) accessible throughout the year (including on an emergency basis)
 - (ii) fully attuned to entertaining and resolving Hague cases at short notice
 - (iii) with the assignment of specialist (or specially trained) judiciary and dedicated procedural rules

II The Convention is fair to defendants

- (h) there is funding (or some other practical arrangement) to ensure that impecunious defendants are able to engage in a court process quickly and effectively. This is necessary to prevent delay and unfairness between the parties which - particularly where the defendant is a national of the state addressed - may tend to damage the reputation of the Convention
- (i) there is state funding (or some other practical arrangement) to ensure that impecunious parents (where the child is ordered to be returned) are able to have ready access to the other court to seek appropriate protective orders and lawfully to do that which they had done unlawfully (i.e. to remove a child from his or her habitual residence)

III The Convention is not defeated by a lack of enforcement

- (j) there should be powers, and readily accessible to applicants and their advisors:-
 - (a) to trace missing children and abducting parents
 - (b) to prevent changes in the circumstances of abducted children until an application has been resolved
 - (c) to enforce court decisions speedily and definitively by returning children to their states of habitual residence
 - (d) to protect the position of children who return with the abducting parent following a successful request to another state

The ENPCA/**reunite** considers that all prospective Hague countries should be required to meet these standards, but that there should be ongoing monitoring and assessment of current member states by the Hague Secretariat with the aim of achieving world-wide compliance with "good practice". The process should not be punitive in aspect or effect - the object would be to assist and encourage.

Topic 4

The need for a code of practice for operating the Convention

The group felt that it would be in support of codes of practice and that it was in agreement with the conclusion of the Judges at the Common Law Conference on International Child Custody – Washington DC – November 2000.

However, it was recognised that there are different funding considerations in different Contracting States.

The provisional areas for codes of practice were thought to be:

- Locating the child
- Central Authorities
- Provision of adequate legal representation
- Judicial system for Hague cases
- Enforcement
- Fast track appeals
- Protection of child throughout the process

Topic 5

Bilateral agreements

Whilst the Hague Convention sets a world-wide standard for the return of children who have been internationally abducted it is, in the ENPCA/**reunite's** view, highly unlikely that it will (or perhaps should) be ratified by all nations in the foreseeable future. In particular there are two categories of state in which membership may be problematic:-

- (i) If (for whatever reason) resources and internal systems within the applicant country are inadequate for the effective working of the Convention then the value of that country's Hague membership and ultimately of the Convention itself may be reduced
- (ii) Where a country has an internal system of law which is strikingly dissimilar in its approach to family cases to that of existing signatories (and where therefore comity is unlikely) it is hard to see how or why membership would be sought. Even if it were, and granted, it would probably be no more than illusory and fragile and therefore tend to detract from the reputation of the Convention generally.

Where there are major differences between countries - whether they be administrative or legal jurisdictional - and mutual acceptance of the Convention is not possible, The ENPCA/**reunite** considers bilateral agreements offer a way to introduce some order into what, in human terms, are likely to be urgent and distressing cases.

The advantage of the bilateral agreements is that they can be tailored to the specific needs, resources and circumstances of particular countries. It is plainly important that agreements are realistic and practical so that they can be readily enforced. This may mean that such agreements are significantly different from the Convention. In particular (and for a variety of reasons) it may simply be impossible to agree on a framework for the summary return of abducted children.

Agreements which are limited in scope - but which actually work reliably in practice, would, in The ENPCA/**reunite's** view, be very worthwhile. Where there is simply no comity an arrangement between countries which (in the case of an abducted child) addresses issues such as:

- (a) communication between governments
- (b) communication between agencies (e.g. social services)
- (c) communication between parents
- (d) representation (or "legal aid" for representation of the left-behind parent in the domestic court from which the child has been removed)
- (e) visas and passports to allow visits
- (f) travel arrangements and accommodation to facilitate visits
- (g) location of children

Such arrangements can be immensely valuable to both parents and to children. Such arrangements may be the only hope for preserving at least some relationship between abducted child and left-behind parent.

In The ENPCA/**reunite's** view, bilateral agreements should actively be considered but with a flexible approach to their form. In some cases formal treaties may be appropriate (and may even serve as a stepping stone to full Hague membership). However, with many countries less formal Memoranda of Understanding (i.e. commitments to practical inter-government co-operation) are likely to be the more

realistic goal and in such cases the emphasis is likely to be on consular involvement and on the practical and active enforcement in individual cases, on a case-by-case basis.

The ENPCA/**reunite** is conscious of the fact that, whilst there have been bilateral arrangements which have (anecdotally at least) been less than wholly successful and whilst there have been relatively recent initiatives e.g. between Canada and Egypt (and indeed, currently it is understood that Professor Edge is drafting a Convention between the United Kingdom and Egypt) research and data are in short supply. Reunite feels that there is a need for a careful study (on an individual country basis) of the terms that would be realistic and appropriate. Close monitoring of existing bilateral arrangements and any new developments would allow experience to grow up and successful formulae for international co-operation to be recognised.

Topic 6

Encouraging mediation between parties.

The ENPCA/**reunite** supports the principal of mediation and **reunite** is presently undertaking a two year research project into the use of mediation in the field of international child abduction.

Project objectives:

- Establish how mediation could work in legal conformity with the principles of the Hague Convention;
- Develop a mediation structure that would fit in practically with the procedural structure of an English Hague Convention case;
- Test whether such a model would be effective in practice.

The project would result in:

- The production of a written scheme including guidance and procedures on starting up and implementation, approved by the UK administration and courts, foreign central authorities and courts and lawyers in the UK and abroad who are experienced in international parental child abduction cases.
- The production of a report on the progress and viability of the scheme following a one year pilot test on 20 cases, each involving abductions between the UK and another nation state.
- Each abduction will involve one of Ireland, France, and possibly a third European state.

There are three stages to the project:

- 1) Development of the scheme
- 2) Training of specialist mediators
- 3) The practical trails

Stage 1 and 2 have been completed, and the practical trails will commence in mid 2001.

Whether the project proves to be successful or unsuccessful the findings will be dissemination as wide as possible giving the purpose of the project, methodology, outcomes, evaluation, conclusions and recommendations.

Topic 7

The extent to which the wishes of the children should be taken into account

The ENPCA/**reunite** recognises that there is an important balance to be drawn. The Convention is intended to work in a summary way and needs protection against:-

- (a) delays caused by welfare investigation and which (if not restricted) tend to go to wider welfare issues in the state addressed than is appropriate in a Hague case.
- (b) advantage taking by abducting parents manipulating children who are in their sole physical care with the object of bolstering and/or providing a defence for the children.

Equally, there is a plain need (recognised in the Convention itself which is founded on the belief that it is not in children's interests to be abducted internationally) for the basic protection of children within the process itself. This may involve and require the children's views to be assessed to see if they properly fall within the terms set out in Article 13 and, in appropriate cases, for the court to be influenced by those views. In such cases, however, the investigation must have high regard to the matters set out in (a) and (b) above as well as the need to protect the child.

Topic 8

Procedures for enforcing cross frontier access between parent and child

Article 21

There is a strong argument for granting the same assistance with legal representation to those who seek to enforce access orders pursuant Article 21 as those who seek orders for return under Article 3 and 12

An accessible fast track to an access order under Article 21 before designated Judges is in our view desirable. In many of the cases where there is no right to an order for return for the left behind parent under Articles 3 and 12 it is in the interest of the child.

The trauma and expense of an order for summary return to the requesting state, followed by an application for leave to remove back to England, often with an access order, could in many cases be avoided if there were more effective procedures under article 21. What is more the failure to achieve a satisfactory access is the motivation for many abductors (at least among abductors who are not primary carers.)

We note that in certain jurisdictions such as Australia Article 21 is interpreted so as to allow enforcement of previously agreed access order. At present there is a lack of conformity of interpretation among signatories to the Hague convention. Whilst conscious that this subject is controversial it is our view that a real effort should be made to find a comity of approach and further to interpret Article 21 in such a way that it provides an effective and enforceable remedy which at present it does not

We recognise that the requesting state should have a power to vary existing access order, but this should be subject to a principle that unless a prior jurisdiction has made a finding against a principle of contact taking place the receiving state should not be allowed to question the principle.

Mirror orders and mediation have a role to play in the achievement of proper cross frontier access.

Topic 9(a)

Procedures to ameliorate the risk of harm to the child (and any returning abductor) arising from the order to return

The Hague Convention is primarily designed to cause wrongfully removed and wrongfully retained children to be returned forthwith to their state of habitual residence for the legal system in that state to then adjudicate on their welfare issues.

Any return ordered by the requested state should be as comfortable for the child as possible. The difficulties that may await a child to be returned, and the accompanying parent, prior to the state of habitual residence "taking over" the case may include:

- . risk of prosecution (arrest or even incarceration) to a returning parent (who may well be the original primary carer);
- . risk of preemptory removal by the requesting parent before the returning parent (with the child) is able to appear before a court (which problem can be very real where the requesting parent obtained an order, with or without notice, after removal or retention for handover of the child into their care and control;
- . risk of the child returning to a situation (even temporary) of violence or abuse before any court may have the chance to intervene;
- . risk of children being returned prior to proper implementation of supportive parental financial arrangements or home accommodation being in place;
- . inability of returning parent in some cases to be able to fund immediate legal representation in order to pursue a full welfare application in the state of habitual residence.

One challenge for the Convention process is how to ameliorate such risks. We postulate that such challenge may be met in a number of ways, which include:

- (1) A Code of Practice on the operation of the Hague Convention in relation to returning children and as to the arrangements for any accompanying parent;
- (2) A protocol to the Hague Convention determining the minimum requirements for a safe return;
- (3) Multilateral or bilateral agreements for safe return;
- (4) Individual case by case determinations requiring conditions of return.
- (5) Judicial Training

Whereas, of the first four suggestions, a protocol is obviously the most attractive solution as it would encompass signatory states to the Hague Convention, realism suggests that the better way forward in the development of law aspect of the Hague process is by way of a Code of Practice to address the sorts of problems envisaged and set out in the second paragraph above. Such a Code of Practice would not be legally enforceable but it would afford considerable guidance to judicial authorities – whether they be the judicial authorities in the requesting or the requested state. In jurisdictions with a system of legal precedent, this may create an environment in which the safety of a returned child and accompanying parent is fully taken into account. It is our particular hope that such a Code of Practice within the Hague Convention process would encourage Contracting States to develop voluntary enforceable agreements between themselves on a regional, bilateral or multilateral basis by introduction of relevant domestic legislation. Contemporaneous and detailed judicial training would provide an invaluable opportunity for concentration on the issues by those involved in the Hague decision-making process.

Topic 9b

Issues surrounding the safe return of the child

Judicial authorities in determining Convention applications will be well familiar with defences being raised under article 13(b) as to the grave risk in return of psychological or physical harm to the child, or the child being otherwise placed in an intolerable situation. In the very limited category of cases where the defence can be made out, the judicial authority may exercise a discretion not to return such a child. However, in many cases the defence will fail, but only upon the basis that the requested state expects the requesting state's authorities and agencies to implement assessment on a child and action as to his welfare forthwith on his return, taking charge of those issues of concern raised through the article 13(b) defence in the Hague proceedings.

In this situation, there may be a considerable need for an efficient system of such post return assessment and individual state action. There is in this area also the question of how such implementation is handled, and by whom.

Whilst we see the questions that arise, and the importance of them, we note the lack of scientific research on these issues. Such research would focus on the degree to which there is such a need, and how the challenge may be met.

reunite are currently engaged in a pilot research project in this area. Please refer to the working document on this issue.

Response to Topic 10 LCD/
HAGUE CONFERENCE 1

The role and function of Central Authorities

reunite felt it appropriate to await draft response from the Lord Chancellors Department on the role and function of Central Authorities.

Topic 11

Article 15 Declarations

The LCD is asked whether it keeps statistics of the number of requests received from foreign courts and made by English judges for article 15 declarations.

It is submitted that there have been a number of Hague cases in England and Wales where a request made to the requesting state has led to an unjustifiable delay in the hearing of the application.

In one such case a request made to Italy in the autumn of 1998 has still to be finally heard following the lodging of an appeal against the decision of the lower court (a magistrates court). Thus the Originating summons issued on 1998 remains unheard.

In another case a period of 7 months passed from the date of the request made by a judge, and the handing down of a final order and only then following the making of a request by the learned Judge for a telephone conversation with the Judge in the USA hearing the Article 15 application.

It is proposed that there should be a best practice direction that applications for Article 15 declarations must be dealt with in the home state with the same dispatch and urgency as Applications for Hague returns and that where necessary appropriate rules of court and practice are made by each state party to ensure that they are.

Additional:

Topic 12

Legal representation for the 'left behind parent' in Hague cases

Under the provisions of Article 26 most contracting States make provision for legal representation of the applicant parent in the state addressed - with the notable exception of the USA. In this regard see the attached document prepared by the Central authority for Australia summarizing the provision for most state parties.

In the UK, and it is believed that this is the position in many states, financial assistance "Legal Aid" is available on a means tested basis for the purposes of bringing and conducting proceedings in the jurisdiction. It is not available to bring or pursue proceedings in a foreign court.

Thus in an outgoing case no legal aid is available to allow legal representation to for example;

- a) Correspond with the Child Abduction Unit
- b) Collate documents and evidence in England & Wales
- c) Correspond with the person or institution conducting The Hague application in the state addressed
- d) Prepare witness statements for other witnesses' - i.e. schools, doctors, other relatives
- e) To prepare and provide affidavit evidence - as to law - frequently necessary where the abduction is to a new member state - or as to fact - frequently required where there have been prior proceedings in this country the effect of which must be explained.

It is submitted that this situation places the left behind parent at a disadvantage and indeed where a parent is not able to afford to obtain advice and representation in situations as set out above the application to the foreign court is likely to be compromised, if not lost.

In the majority of cases the left behind parent will not travel to the foreign jurisdiction for the hearing of the application indeed the whole basis of the Convention is that this is not necessary.

By way of example only New Zealand is a jurisdiction where the lawyer making the return application will automatically request that the applicant parent prepare and swear a detailed affidavit of fact and law if not prior to issue of the proceedings then certainly by the first inter-parties hearing.

Most parents will not be remotely capable of so doing and it is submitted that to prepare their own evidence in this way is likely to jeopardize the application. It is unjustifiable that in an area of complex law where most courts recognise the need for specialist practitioners, the lay client is expected to prepare evidence that is relevant to a Hague application in form and content.

This position contrasts markedly with that of the Plaintiff in an incoming application.

The Plaintiff in an incoming case, who is usually a non-British national will be provided with non-means tested legal aid to take all necessary steps in the proceedings - including if necessary to instruct and pay a foreign lawyer to prepare evidence and to advise on foreign law - the parent in an outgoing case - who is usually a British national is unable to apply for even means tested legal aid.

Left behind parents of modest means are thus left reliant on the services of The ENPCA/**reunite** - which cannot provide financial assistance or legal representation - or the pro-bono services of one of the lawyers associated with reunite.

It is proposed that non-means tested legal aid should be available for specialist advice and representation in all outgoing cases.

It is further proposed that where the state in which the child is requests an Article 15 declaration that non-means tested legal aid be available to the parent to make and proceed with the application in Child Abduction and Custody Act proceedings.

At present whilst legal aid is available on a means tested basis, the proceedings are usually heard inter-parties and parents of limited means which place them outside of the scope for legal aid may be unable to fulfil the requirements of the state requested.

(6) Miscellaneous and general:

1. Permanent Bureau

reunite fully supports the activities of the Permanent Bureau, and feel the staff of the Permanent Bureau are to be commended on the excellent service they provide on such a limited budget. The present activities of the Permanent Bureau (P:16 26 a-k) are clearly essential to maintain and develop the main areas of work and research required in development of the Hague Convention.

With the expansion of the Convention it is crucial that funding is secured to ensure the Permanent Bureau and staff are able to perform all of its responsibilities and to its full potential. A way of assisting the Permanent Bureau would be for discussions to take place on the increase of financial support from each Member State of the Convention.

INCADAT database has increased international awareness of parental child abduction through publicly available information. It is important that this initiative continues to be maintained and developed and that each Member state should be encouraged to take an active role in supporting this initiative.

2. Functions and tasks Permanent Bureau

reunite fully supports the preparation of a list outlining the potential functions and tasks of the Permanent Bureau. **reunite** also supports the idea that specific funding should be allocated for specific tasks.

1. All member States of the Convention could increase / provide a contribution.
2. Application to charitable trusts
3. Closer links with NGOs
4. Private Sector funding could be explored.

3. Statistics

reunite supports the recommendation that State parties should provide clear and comparable statistics, on a standard form issued by the Hague Secretariat on an annual basis.

1. Existing member States should be encouraged to bring current monitoring statistics up to date.
2. New Member States and their Central Authorities should be well informed of the principles on the Hague Convention and provide effective monitoring of all cases.
3. Monitoring of cases between Central Authorities should be included in a code of practice.

4. Judicial and other training

As a Non-Government Organisation **reunite** has been extremely pro-active in the development of national and international training seminars, and can say with confidence that the holding of judicial and other training seminars on the matter of the Hague Convention is an effective and constructive way in which to exchange

information, develop important networks and improve the understanding of the Hague Convention.

reunite supports the recommendation that the holding of more national and international judicial and other seminars on the subject of the Convention should be encouraged and developed.

5. Particular measure to improve:

A strong foundation, clear guidelines and good practice will ensure the Hague convention is not weakened by the increasing number of current Member States and assist new Member States to understand and deliver the obligation required to ensure effective operation. Information and awareness programs such as the **reunite** SADC project address these issues.

6. Bilateral Treaties:

Bilateral treaties to our knowledge e.g. Egypt with Canada and Sweden with Egypt / Tunisia appear to be very vague, set up in theory but not practice.

As NGOs working in the field of abduction with the parents concerned, small but practical steps must be made to build trust and confidence with the other country(ies).

The first step is the issue of contact. The left-behind parent has to have right of entry and the child has the right of contact with the left-behind parent supported by the authorities in both countries. Treaties / agreements should be kept practical and in turn hopefully encourage countries to work towards further developments.

Bilateral treaties need to be carefully monitored providing feed-back to the relevant authorities.

See ENPCA consultation paper Topic 5

7. Relocation Cases

The ENPCA /**reunite** agrees that there are wide-spread differences of view in relocation cases. However we feel that this is not strictly within the scope of the Hague Convention. It does not adversely affect the working s of the Hague Convention but may increase the operation incidence of International Child Abduction.