

# **Questionnaire concerning the practical operation of the Convention and views on possible recommendations**

*Below please find the answers from the Central Authority of Sweden and the Swedish Ministry of Justice*

## **1) The role and functioning of Central Authorities**

### **1. Have any difficulties arisen in practice in achieving communication or co-operation with other Central Authorities in accordance with Article 7 of the Convention?**

*Article 7a: In some countries there have been problems in locating the abducted children.*

*Article 7e: In some cases documents regarding, for example, relevant legislation is missing. This may delay the proceedings.*

*Article 7i: Some of the Central Authorities do not confirm immediately that they have received an application. Some of the authorities neglect to report continuously of the proceeding of the case.*

### **2. Have any of the duties of the Central Authority, as set out in Article 7, raised any problems in practice?**

*No problems in practice.*

### **3. What measures are taken by your Central Authority or others to secure the voluntary return of a child or to bring about an amicable resolution of the issues (Article 7c)? Do these measures lead to delay?**

*The counsel normally issues proceedings immediately. If the respondent returns voluntarily with the child the applicant withdraws the application and the case is dismissed from the court. In some cases the counsel - instructed on behalf of the applicant - sends a "voluntary return letter" to the respondent but if there is no answer to the letter within a certain period of time – or if there is a risk that the respondent will disappear with the child - the proceedings are initiated immediately.*

*The court actively works for the parties to come to an agreement. Before ordering the return of the child the court may instruct a member or alternate member of the social welfare committee, a social services officer or some other suitable person to seek to ensure that the person retaining the child voluntarily discharges his or her obligations.*

*However, instructions may only be given if it can be assumed that this will lead to the surrender of the child without causing unnecessary delay in the proceedings.*

*Furthermore the Swedish Government has set aside money for the use as benefit for travel expenses in the case of a voluntary return of a removed or retained child.*

- 4. What measures does your Central Authority take to provide or facilitate the provision of legal aid and advice in Hague proceedings, including the participation of legal counsel and advisors (Article 7g)? Do these measures result in delays in your own jurisdiction or, where cases originate in your country, in any of the requested jurisdictions?**

*The counsel of the applicant applies for legal aid at the same time as the Hague application is submitted to the court and therefore there will be no delays in the proceedings due to the application for legal aid.*

*Whether an applicant can obtain legal aid depends on the applicant's financial circumstances. Legal aid may be granted to an applicant whose economic basis does not exceed 260 000 Swedish Crowns (approximately 26 000 USD). Economic basis means the applicant's estimated income per year taking into consideration maintenance obligation, financial circumstances and debt (for example if the applicant is obliged to pay child maintenance, the economic basis is reduced by 15 000 Swedish Crowns (maximum 75 000 Swedish Crowns) per child.*

*In Sweden legal aid is available both to those who apply under Article 12 of the Convention and to those who apply under Article 21.*

- 5. Does your Central Authority represent applicant parents in Hague proceedings? If so, has this role given rise to any difficulties or conflicts, for example with respect to other functions carried out by your Central Authority?**

*The Central Authority does not represent applicants. The applicant is represented by a counsel. If the applicant does not have a counsel the Central Authority may suggest counsels with experience from Hague cases.*

- 6. What obligations does your Central Authority have, and what measures does it take, to ensure that a child returned to your country from abroad receives appropriate protections, especially where issues of (alleged) abuse or violence has arisen? In particular, does your Central Authority:**

- a) ensure that appropriate child protection bodies are alerted;**

*The Central Authority will contact the social services when concerns for the child's wellbeing are raised by the court or the Central Authority in the requested State.*

- b) provide information to either parent in respect of legal, financial, protection and other resources in your area;**

*The Central Authority gives information to the parents on their request.*

**c) facilitate contact with bodies providing such resources;**

*See b) above.*

**d) assist in providing any necessary care for the child pending custody proceedings;**

*The Central Authority will contact relevant social services who will have to act within the existing legal framework.*

**e) provide any other support, advice or information to a parent who accompanies the child on return;**

*See b) above.*

**f) provide any assistance in ensuring that undertakings attached to a return order are respected.**

*The question has not yet arisen.*

**7. What arrangements does your Central Authority make for organising or securing the effective exercise of rights of access (Article 7f)?**

*The Central Authority recommends to the applicant a counsel experienced in family law and the Hague Convention proceedings to represent the applicant and to apply for legal aid.*

**In particular, in the case of an applicant from abroad, does your Central Authority:**

**a) provide information or advice;**

*General information and guidance is provided by the Central Authority. Otherwise the applicants are referred to the counsel for information.*

**b) facilitate the provision of legal aid or advice;**

*The Central Authority contacts the Legal Aid Authority and provides the applicant with form for the application for legal aid.*

**c) initiate or assist in the institution of proceedings, where appropriate, on behalf of the applicant;**

*The concel will initiate the proceedings on behalf of the applicant.*

- d) **assist in ensuring that the terms or conditions on which access has been ordered or agreed are respected;**

*No, this will be done by the counsel.*

- e) **assist in cases where modification of existing access provisions is being sought.**

*See d) above.*

- 8. Please comment on any developments in relation to the maintenance of statistics concerning the operations of your Central Authority. Has your Central Authority been able to return to the Permanent Bureau annual statistics in accordance with the Hague standard forms? If not, please explain why.**

*The Central Authority will as soon as possible return to the Permanent Bureau annual statistics. Recently the Central Authority got a new data system which will make it easier to comply with the requests from the Permanent Bureau concerning statistics.*

- 9. Can you affirm or reaffirm, as the case may be, support for the conclusions reached by the first, second and third Special Commissions.**

*The Central Authority reaffirms its support for the conclusions reached by the first, second and third Special Commissions.*

- 10. Would you support any other recommendations in respect of the particular functions which Central Authorities do or might carry out, especially with regard to the matters raised in questions 6 and 7 above?**

*The Central Authority considers it important to improve liaison and co-operation between Central Authorities.*

**2) Judicial proceedings, including appeals and enforcement issues, and questions of interpretation**

- 1. How many courts and how many judges potentially have jurisdiction to hear an application for the return of a child? If there is more than one level of jurisdiction at first instance, please specify the number of courts and judges for each level.**

*The jurisdiction to hear an application for the return of a child is held by the county administrative courts, which are the courts of first instance among the general administrative courts. Sweden has 23 such courts. The cases in question are adjudicated by a legally trained judge with three lay judges.*

*The administrative courts of appeal are the courts of intermediate instance among the general administrative courts. There are four administrative courts of appeal in*

*Sweden. The type of cases in issue here are generally adjudicated by three legally trained judges and two lay judges.*

*Finally, the highest instance among the general administrative courts is the Supreme Administrative Court. When considering issues relating to leave to appeal, one to three judges participate. Otherwise, five judges constitute a quorum.*

**2. Do you have any special arrangements whereby jurisdiction to hear return applications is concentrated in a limited number of courts? Are such arrangements being contemplated?**

*We do not have any special arrangements whereby jurisdiction to hear return applications is concentrated in a limited number of courts.*

*When the Convention was to be enacted in Sweden, the issue of which courts that should be competent to handle cases concerning wrongful removal of children was considered. Since problems were expected if a different solution was chosen than that which applied to the cases on enforcement of Swedish custody orders and contact orders, all the county administrative courts were made competent to hear these cases based on the Convention rules. However, there are now plans for letting a committee consider the issue of limiting the number of the competent courts when reviewing the procedure for enforcement of Swedish custody orders and contact orders.*

**3. What measures exist to ensure that Hague applications are dealt with promptly (Article 7) and expeditiously (Article 11) in particular:**

*In the Swedish Act of the year 1989 on the return of children and based on the Convention rules there is a special provision which states that the proceedings for the return of a child shall be dispatched expeditiously.*

**a) is it possible for the application to be determined on the basis of documentary evidence alone?**

*Yes.*

*In this context it should be mentioned that the county administrative court shall hold an oral hearing unless it is manifestly unnecessary. Generally this is the case when one of the parties ask for an oral hearing and normally at least one of them does.*

**b) what special measures/rules exist to control or limit the evidence (particularly the oral evidence) which may be admitted in Hague proceedings?**

*According to the procedural rules for the administrative judicial procedure, the court may suppress the presentation of unnecessary or irrelevant evidence.*

**c) who exercises control over the procedures following the filing of the application with the court and prior to the court proceedings, and how is the control exercised?**

*If the application for a return order is sent to the Central Authority, the Central Authority shall transmit the application to the county administrative court. Before the transmission, the Central Authority shall examine the application in order to control that all the conditions according the Convention are fulfilled. However, a party is not obliged to file the application to the Central Authority. The party can send it directly to the court.*

*After the filing of the application the case is pending and the court is responsible for the subsequent procedure. That means that the court has the duty to make sure that the case is treated in an appropriate and efficient way. The court can for instance decide certain time limits for the parties to present statements and evidence.*

**d) what appeal is possible from the grant or refusal of a return application, within what time limits do appeals operate, on what grounds and subject to what limitations?**

*Both the applicant and the defendant have a right to appeal, provided that the decision affects him or her adversely.*

*From a decision of a county administrative court, appeal may be taken to an administrative court of appeal. From a decision of such a court appeal may be taken to the Supreme Administrative Court. The appeal may come under adjudication by this court only if it has granted a permission to appeal.*

*The appeal shall be filed within three weeks from the day when the appellant was notified about the decision.*

**4. In what circumstances, and by what procedures/methods, will a determination be made as to whether a child objects to being returned?**

**In what circumstances in practice will the objections of the child be held to justify a refusal to return? (Please indicate the statutory basis, if any.)**

*The Swedish Act contains a particular provision concerning the child's views. Before deciding the case, the court shall ascertain the child's views unless this is not possible with regard in particular to the child's age and maturity.*

*A child that has reached the age of 12 years is normally regarded as mature enough to decide whether to be returned or not. The same goes for a child that has not yet reached the age of 12 years but has attained such a degree of maturity that his or her wishes should be taken into account in a corresponding manner.*

*It is rare that the child is heard before the court. Normally, it is a representative from the social services (or a mediator appointed in the case) that talks to the child and gives the court information about the child's views.*

5. **Where the person opposing return raises any other defences under Article 13 or Article 20, what are the procedural consequences? What burden of proof rests on the defendant? Does the raising of defences under Article 13 or 20 in practice lead to delay? What measures, if any, exist to reduce such delay to a minimum?**

*The person opposing return has the burden of proving the defences under articles 13 and 20.*

*In practice the raising of defences under these articles leads to some delay. However, the Swedish Act provides that the case shall be handled expeditiously. Furthermore, according to Swedish procedural rules the judges shall suppress unnecessary or irrelevant evidence. These factors together limit possibilities to delay.*

6. **Please specify the procedures in place in your jurisdiction to ensure that return orders are enforced promptly and effectively? Are there circumstances (apart from pending appeals) in which execution of a return order may not be effected? Do return orders require separate enforcement proceedings? Is there appeal from such proceedings? Are such enforcement procedures routinely invoked, and are they successful in achieving the enforcement of return orders?**

*When ordering the enforcement of a decision or the return of a child, the county administrative court may impose a default fine if it can be assumed that this will lead to the surrender of the child without causing unnecessary delay.*

*Instead of imposing a fine the court may decide that the child shall be collected by the police authority. If it is inadvisable, though, to move the child owing to illness or for any other special reason, the collection shall be postponed and if this situation is not just temporary the court will have to try the question of return again.*

*Return orders do not require separate enforcement proceedings in Sweden.*

7. **Would you support any of the following recommendations?**

- a) **Calling upon States Parties to consider the considerable advantages to be gained from a concentration of jurisdiction in a limited number of courts.**

*Yes.*

- b) **Underscoring the obligation of States Parties to process return applications expeditiously, and making it clear that this obligation extends also to appeal procedures.**

*Yes.*

- c) **Calling upon trial and appellate courts to set and adhere to timetables that ensure the speedy determination of return applications.**

*Yes.*

- d) Calling for firm judicial management, both at trial and appellate levels, of the progress of return applications.**

*Yes.*

- e) Calling upon States Parties to enforce return orders promptly and effectively.**

*Yes.*

- f) Recommending that the “grave risk” defence under Article 13 should be narrowly construed.**

*Yes.*

- g) Proposing any other measures (please specify) to improve the efficiency and speed with which applications are processed and orders enforced.**

*It might be of value to consider the following conceivable measures.*

*- A committee could be appointed in order to lay each State Party under the obligation to report on the application of the Convention in that state (see answer to question (5) 5 below).*

*- To make collection by an authority obligatory as a main rule when it is decided that the child shall be returned.*

*- To provide that an appeal may come under adjudication by the court of second instance only if that court has granted a permission to appeal.*

*Thus, we are willing to support recommendations that have the object of ensuring that Hague applications are dealt with promptly and expeditiously.*

- 8. Please indicate any important developments since 1996 in your jurisdiction in the interpretation of Convention concepts, in particular the following:**

- **rights of custody (Article 3a and 5a);**
- **habitual residence (Article 3a and Article 4);**
- **rights of access**
- **the actual exercise of rights of custody (Article 3b and Article 13a)**
- **the settlement of the child in its new environment (Article 12);**
- **consent or acquiescence to the removal or retention of the child (Article 13a);**
- **grave risk (Article 13b);**
- **exposure to physical or psychological harm (Article 13b);**
- **intolerable situation (Article 13b);**
- **fundamental principles relating to the protection of human rights and fundamental freedoms (Article 20).**



*The Swedish courts endeavour to interpret, as far as possible, the key concepts of the Convention in accordance with the intentions and the ideology of the Convention, e.g. in respect of questions concerning rights of custody/actual exercise of custody rights, and habitual residence. The courts have continued to interpret Article 20 very restrictively and this article has never been applied by the courts as a ground for refusal.*

### **3) Issues surrounding the safe and prompt return of the child (and the custodial parent, where relevant)**

*The following answers illustrate how important it is that the Central Authorities co-operate in order to take precautions aiming to protect a child that is being returned.*

- 1. To what extent are your courts, when considering a return application, entitled and prepared to employ “undertakings” (i.e. promises offered by, or required of the applicant) as a means of overcoming obstacles to the prompt return of a child? Please describe the subject matter of undertakings required/requested. At what point in the return proceedings are possible undertakings first raised, and how?**

*“Undertakings” is a legal institution not known in Swedish law. There is, though, a possibility for the Swedish courts to pay regard to an already accomplished undertaking in the state of habitual residence when considering the “grave risk” situation according to Article 13.*

- 2. Will your courts/authorities enforce or assist in implementing such undertakings in respect of a child returned to your jurisdiction? Is a differentiation made between undertakings by agreement among the parties and those made at the request of the court?**

*Generally speaking, Swedish courts cannot enforce or assist in implementing a foreign undertaking in respect of a child returned to the Swedish jurisdiction because there is no support in Swedish law for this.*

- 3. To what extent are your courts entitled and prepared to seek or require, or, as the case may be, to grant safe harbour orders or mirror orders (advance protective orders made in the country to which the child is to be returned) to overcome obstacles to the prompt return of a child?**

*Safe harbour orders and mirror orders are legal institutions not known in Swedish law.*

- 4. Is consideration being given to the possible advantages of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, in providing a jurisdictional basis for protective measures associated**

**with return orders (Article 7), in providing for their recognition by operation of law (Article 23), and in communicating information relevant to the protection of the child (Article 34)?**

*Yes.*

- 5. Have you experience of cases in which questions have arisen as to the right of the child and/or the abducting parent to re-enter the country from which the child was abducted or unlawfully retained? If so, how have such issues been resolved?**

*In a couple of cases the abducting parent has not been able to visit his/her child partly depending on the fact that the parent has not known whether there has been a warrant for his/her arrest in the country from which the child was abducted.*

- 6. Please comment on any issues that arise, and how these are resolved, when criminal charges are pending against the abducting parent in the country to which the child is to be returned.**

*The present case law in Sweden is not uniform. In some cases the courts have paid regard to the fact that the abducting parent will not be able to re-enter the country from which the child was abducted or unlawfully retained and therefore refused the application for return. In some other cases the courts have not done so. However, it can generally be declared that pending criminal proceedings certainly complicate these cases.*

- 7. Please comment on any experience as a requesting or a requested state, of cases in which the deciding judge has, before determining an application for return, communicated with a judge or other authority in the requesting State and, if so, for what purposes? What procedural safeguards surround such communications?**

*The Central Authority is not aware of any such case in Sweden.*

- 8. Has an appointment been made in your country of a judge or other person competent to act as a focus or channel for communication between judges at the international level in child abduction/access cases?**

*No such judge has been nominated in Sweden.*

- 9. Where a child is returned to your country, what provisions for legal aid and advice exist to assist the accompanying parent in any subsequent legal proceedings concerning the custody or protection of the child?**

*The accompanying parent can apply for legal aid for subsequent legal proceedings.*

- 10. Where a custody order has been granted in the jurisdiction of, and in favour of, the left behind parent, is the order subject to review if the child is returned, upon the application of the abducting parent?**

*There are no restrictions to reviewing the custody order.*

- 11. Would you support any of the following recommendations?**

- a) **that Contracting States should consider ratification of or accession to the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, to provide a basis for jurisdiction, recognition and enforcement, and co-operation in respect of measures of protection of a child which are attached to return orders.**

*Yes.*

- b) **that Contracting States should provide swift and accessible procedures for obtaining, in the jurisdiction to which the child is to be returned, any necessary protective measures prior to the return of the child.**

*Such a recommendation could create problems in states where there are no legal possibilities to take protective measures prior to the return of the child.*

- c) **that Contracting States should take measures to ensure that, save in exceptional cases, the abducting parent will be permitted to enter the country to which the child is returned for the purpose of taking part in legal proceedings concerning custody or protection of the child.**

*Yes.*

- d) **that Contracting States should provide a rapid procedure for the review of any criminal charges arising out of a child's abduction/unlawful retention by a parent in cases where the return of the child is to be effected by a judicial order or by agreement.**

*Yes.*

- e) **that Contracting States should nominate a judge or other person or authority with responsibility to facilitate at the international level communications between judges or between a judge and another authority.**

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- f) **that the Permanent Bureau of the Hague Conference on Private International Law should continue to explore practical mechanisms for facilitating direct judicial communications, taking into account the administrative and legal aspects of this development.**

*Yes.*

**4) Procedure for securing cross-frontier access/contact between parent and child**

- 1. What provisions for legal aid/advice/representation in respect of a foreign applicant for an access order exist in your jurisdiction?**

*Legal aid may be granted to a foreign citizen who is not – or has not been - a resident in Sweden only if the matter is to be dealt with in Sweden and there are special reasons. In a matter that is to be dealt with abroad, legal aid may be granted only if the applicant lives in Sweden.*

*Furthermore the Government may, under conditions of reciprocity, order that a citizen of a certain state be regarded as equivalent to a Swedish citizen regarding eligibility for legal aid.*

- 2. On what basis do your courts at present exercise jurisdiction to:**

- a) **grant and**
- b) **modify access/contact orders**

*The general rule is that Swedish courts have jurisdiction to grant and modify contact orders if the child is habitually resident in Sweden.*

- 3. What provisions exist for the recognition and enforcement in your jurisdiction of foreign access orders, in particular where the order has been made by a court or other authority of the country of the child's habitual residence? In this context is consideration being given to implementation of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children?**

*Generally speaking, Swedish courts cannot recognise or enforce a foreign access order without support for this in Swedish law.*

*The Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses, the Brussels II-regulation, will enter into force on the 1<sup>st</sup> of March 2001 and it will be directly applicable in Sweden.*

*Furthermore, Sweden has ratified and enacted the 1980 Luxembourg Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children. Between the Nordic countries the 1931 Nordic Convention on international private law provisions on marriage, adoption and guardianship is applicable.*

*Sweden is also considering a ratification of the 1996 Hague Convention on protection of children.*

**4. What, if any, provision exists to ensure that cross-frontier access applications (including appeals) are processed expeditiously?**

*Cases concerning matters related to children shall normally be handled without unnecessary delay but there is no such explicit general provision in the Swedish legislation.*

*As Sweden is a party to the 1980 Luxembourg Convention, it is provided in the Swedish legislation that proceedings for the enforcement of a decision referred to in the Convention shall be dispatched expeditiously.*

*Furthermore Sweden is a party to and has enacted the European Convention on human rights.*

**5. What facilities/procedures are in place to promote agreement between parents in international access/contact cases?**

*In order to promote an agreement between the parents, there is a possibility, in cases related to the 1980 Luxemburg Convention, for the court to instruct a member or alternate member of the Social Welfare Committee, a social services officer or another suitable person to seek to ensure that the person retaining the child voluntarily discharges his or her obligations. Instructions may only be given if it can be assumed that this will lead to the surrender of the child without causing unnecessary delay in the proceedings.*

**6. Do your courts in practice accept a presumption in favour of allowing access/contact to the non-custodial parent?**

*Yes, a child needs close and good contact with both parents.*

**7. What conditions are likely to be imposed on access in respect of a non-custodial abducting parent?**

*It is possible for the court to provide for where the contact will take place and with a third person present.*

**8. What information concerning services and what other facilities are available to overseas applicants for access/contact orders?**

*The Central Authority provides the applicants with information. In some cases the Central Authority has contacted the International Social Services (ISS).*

**9. What problems have you experienced and what procedures exist in your country as regards co-operation with other jurisdictions in respect of:**

**a) the effective exercise of rights of access in your/in the other jurisdiction;**

*In order to investigate the family background of the parent abroad the Central Authority in some cases has contacted the ISS.*

**b) the granting or maintaining of access rights to a parent residing abroad/in your jurisdiction;**

*see above*

**c) the restriction or termination of access rights to a parent residing abroad/in your jurisdiction.**

*see above*

**10. What, if any, measures are available to your courts to help guarantee adherence by parents to access conditions (e.g. financial guarantees, surrender of passports)**

*Such possibilities are not explicitly mentioned in the Swedish legislation. However, it is possible for the courts to grant access under the condition that the passport is deposited with the police authority or with the custodian. It might also be possible for a parent to deposit a sum of money with the police authority during the time for access.*

**11. How in practice are access orders enforced?**

*To enforce what a court of general jurisdiction has determined in a decision concerning access, an application may be made to the county administrative court.*

*If the court makes an enforcement order, it may attach to it a penalty of a fine for non-compliance or decide that the child is to be collected by the police authority. Conditions for such a decision are that enforcement cannot be achieved in any other way and the child has a particularly great need of access to the parent.*

*If the court has decided that the child is to be collected by the police authority, the court shall instruct e.g. a member of the social welfare committee to seek to ensure that the person with the child in his or her care voluntarily discharges his or her instructions.*

*Concerning the court's obligation to pay regard to the child's views, see answer to question (2) 4 above.*

*The court may refuse to enforce the access order if the circumstances have manifestly changed since the order was made and it is in the best interests of the child for the question of access to be reviewed. Furthermore, the court may refuse an enforcement order if there is a not insignificant risk of harm to the physical or mental health of the child.*

*The court shall hold an oral hearing unless it is manifestly unnecessary, see the answer to question (2) 3 a, above.*

**12. Would you support recommendations in respect of any of the particular issues raised in the preceding questions? If so, please advise.**

*Sweden would support recommendations aimed to stress the importance of a child's need to good and close contact with both parents.*

*Sweden would also support recommendations meant to secure the child's access to a non-custodial foreign parent.*

**5) Securing State compliance with Convention obligations**

**1. Please comment upon any serious problems of non-compliance with Convention obligations of which your authorities have knowledge or experience and which have affected the proper functioning of the Convention.**

*There have in some cases been problems when the courts have been slow to process applications.*

**2. What measures, if any, do your authorities take, before deciding whether or not to accept a new accession (under Article 38), to satisfy themselves that the newly acceding State is in a position to comply with the Convention obligations?**

*It is important to check up whether the acceding state has established an effective central authority and if that state has a compatible legal system.*

**3. Would you favour the drawing up of a standard questionnaire to be submitted by Contracting States to each newly acceding State with a view to assisting them to decide whether or not to accept the accession? What questions would you include?**

*Yes. Sweden would favour such a standard questionnaire and would like to include questions concerning the practical application of the national statutes and law and the procedural rules, including access to justice for foreign parents.*

- 4. Are you in favour of an increase in the number of Special Commissions (or similar meetings) to review the practical operation of the Convention? Would you also favour the idea that additional Special Commissions should review particular aspects of the operation of the Convention (for example, the problems surrounding the protection of rights of access, or the issues that arise when allegations of abuse or domestic violence are raised in return proceedings or the practical and procedural issues surrounding direct communications between judges at the international level, or the enforcement of return orders by Contacting States)?**

*The Central authority regards it important that there are frequent meetings concerning the Convention. The Conference in Washington, for example, is an example of a very useful meeting. However we think that the number of Special Commissions is fully satisfactory.*

- 5 Are there any other measures or mechanisms which you would recommend:**

- a) to improve the monitoring of the operation of the Convention;**
- b) to assist States in meeting their Convention obligations;**
- c) to evaluate whether serious violations of Conventions have occurred?**

*The UN Convention on the Rights of the Child includes provisions concerning measures for the return of abducted children. According to the Convention the UN Children Committee investigates the State Parties' fulfilling of Conventional obligations. It might be of value if this Committee in its investigations, if possible, could consider also the obligations according to the 1980 Hague Convention in order to monitor the operation of this Convention.*

## **6) Miscellaneous and general**

- 1. Have you any comments or suggestions concerning the activities in which the Permanent Bureau engages to assist in the effective functioning of the Convention, and on the funding of such activities.**

*The Central Authority believes that the Permanent Bureau has an important role to play in these matters. However this raises questions concerning the budget of the Permanent Bureau which we are not prepared to discuss at this stage.*

- 2. Are there additional ways in which the Permanent Bureau might provide assistance? Do you favour the preparation of a list of potential Permanent Bureau functions and tasks that could only be performed if the Permanent Bureau were to receive additional financial and human resources either through approval of an increased budget or through voluntary contributions to accounts set aside for that purpose?**

*The preparation of such a list could certainly be useful. Regarding budget questions see 6:1 above.*



3. **Would you favour a recommendation that States Parties should, on a regular annual basis, make returns of statistics concerning the operation of the Convention on the standard forms established by the Permanent Bureau, and that these statistics should be collated and made public (for example on the Hague Conference website) on an annual basis?**

*Yes.*

4. **Would you favour a recommendation supporting the holding of more judicial and other seminars, both national and international, on the subject matter of the Convention?**

*Yes.*

5. **Are there any particular measures which you would favour to promote further ratifications of and accessions to the Convention?**

*Sweden considers it important to negotiate bilateral agreements with non-Hague states.*

6. **Please provide information concerning any bilateral arrangements made with non-Hague states with a view to achieving all or any of the objectives set out in Article 1 of the Convention.**

*Sweden has bilateral agreements with Tunisia and Egypt. According to these agreements a commission should be established for discussions of civil law questions, for example questions concerning abducted children. We are now establishing a commission with Tunisia.*

7. **Do you have any comments on the following proposition:**

**“Courts take significantly different approaches to relocation cases, which are occurring with a frequency not contemplated in 1980 when the Hague Child Abduction Convention was drafted. Courts should be aware that highly restrictive approaches to relocation can adversely affect the operation of the Hague Child Abduction Convention.”**

*In respect to this proposition it should be born in mind that it might not be possible for the courts in certain states to decide on relocation.*

