

Annual Report of the Central Authority for International Child Abduction 2015



Department of Justice and Equality

1. The Irish Central Authority for International Child Abduction

1.1 The Irish Central Authority commenced work in 1991 on foot of the Child Abduction and Enforcement of Custody Orders Act 1991 and is based within the Department of Justice and Equality. It is Ireland's designated Central Authority under the *1980 Hague Convention*¹; *Council Regulation (EC) No. 2201/2003* (commonly known as Brussels IIa)²; and the 1996 Hague Convention³.

1.2 The Central Authority is required to carry out certain functions under the 1980 Hague Convention; Brussels IIa and the 1996 Hague Convention.

1.3 The main function of the Central Authority under the 1980 Hague Convention and Brussels IIa is to facilitate applications for the return of wrongfully removed children between the relevant national competent authorities. The Central Authority also facilitates applications for securing access rights under the 1980 Hague Convention.

1.4 An additional function of the Central Authority under Brussels IIa is to facilitate social reports on children at the request of relevant national child care services and to facilitate requests for the placement of children across international borders (within the European Union) in foster or institutional care.

1.5 The main functions of the Central Authority under the 1996 Hague Convention are similar to that under Brussels IIa, however, the Regulation takes precedents between EU Member States.

1.6 For further information in relation to each of the above named instruments please see **Appendix A** at page 16.

¹ 1980 Hague Convention on the Civil Aspects of International Child Abduction

² Council Regulation (EC) No. 2201/2003 concerning Jurisdiction and the Recognition and Enforcement of Judgments in Matrimonial Matters and Matters of Parental Responsibility

³ 1996 Hague Convention³ on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children

2. Summary of Key Statistics

Total cases - 2015

2.1 In 2015, the Central Authority dealt with a combined total of 320 applications relating to child abduction, access, requests for social reports and the placement of children in care. These applications consisted of:

- 166 international parental child abduction cases;
- 35 international access cases;
- 70 child placement cases;
- 46 social report requests;
- 2 requests for transfer of proceedings to another jurisdiction under Brussels IIa;
- 1 request for assistance in enforcement of an access order under Brussels IIa.

2.2 Of the 320 applications dealt with, 161 new applications were received in 2015, while 159 applications were carried over from previous years.

2.3 The 320 applications consisted of 177 incoming cases and 143 outgoing applications.

New applications received in 2015 - Total

2.4 161 new applications were received in 2015. 96 of these cases were incoming while 65 were outgoing. These applications consisted of:

- 90 international parental child abduction cases;
- 10 international access cases;
- 30 child placement cases;
- 30 social report requests;
- 1 request for transfer of proceedings to another jurisdiction under Brussels IIa.

2.5 96 new incoming applications consisted of:

- 40 international parental child abduction cases;
- 6 international access cases;
- 20 child placement cases;
- 29 social report requests;
- 1 request for transfer of proceedings to another jurisdiction under Brussels IIa.

2.6 65 new outgoing applications consisted of:

- 50 international parental child abduction cases;
- 4 international access cases;
- 10 child placement cases;
- 1 social report requests.

Applications carried forward into 2015 - Total

2.7 159 applications were carried forward into 2015. 81 of these cases were incoming, while 78 were outgoing. These requests consisted of:

- 76 international parental child abduction cases;
- 25 international access cases;
- 40 child placement cases;
- 16 social report requests;
- 1 request for transfer of proceedings to another jurisdiction under Brussels IIa;
- 1 request for assistance in enforcement of an access order under Brussels IIa.

2.8 81 incoming applications consisted of:

- 19 international parental child abduction cases;
- 14 international access cases;
- 35 child placement cases;
- 12 social report requests;
- 1 request for assistance in enforcement of an access order under Brussels IIa.

2.9 78 outgoing applications consisted of:

- 57 international parental child abduction cases;
- 11 international access cases;
- 5 child placement cases;
- 4 social report requests;
- 1 request for transfer of proceedings to another jurisdiction under Brussels IIa.

3. Closed applications

3.1 The Central Authority, in conjunction with relevant competent authorities in the State, and in other contracting States, brought 167 applications to a close in 2015. This figure consists of 92 incoming applications and 75 outgoing applications.

The following is a summary of applications closed in 2015 by type:

- 82 international parental child abduction cases;
- 18 international access cases;
- 37 child placement cases;
- 28 social report requests;
- 2 request for transfer of proceedings to another jurisdiction under Brussels IIa.

4. Statistical tables

4.1 The number of total new applications received in the Irish Central Authority declined from 184 in 2014 to 161 in 2015, representing a decrease of 12.5% year on year.

Breakdown of decrease in applications from 2014 to 2015

Table A:

Type of application	No. of Applications 2014	No. of Applications 2015	Numerical increase/decrease
Parental child abduction	104	90	- 14
Access applications	17	10	- 07
Placements	39	30	- 09
Social Reports	17	30	+13
Other	7	1	- 06
TOTAL	184	161	-23

Total Incoming applications 2015 (including cases carried forward)

Table B:

Country	Return	Access	Placement	Social Report	Other	Total
Australia	1	-	-	-	-	1
Austria	-	-	2	-	-	2
Belgium	1	-	-	-	-	1
Bulgaria	-	-	-	1	-	1
Croatia	1	-	-	1	-	2
Czech Rep	-	1	-	4	-	5
Eng' & Wales	17	2	20	17 ⁴	2 ⁵	58
Finland	-	-	-	1	-	1
France	2	2	-	1	-	5
Germany	2	1	19	-	-	22
Greece	1	-	-	-	-	1
Hungary	1	1	-	1	-	3
Italy	1	1	-	-	-	2
Latvia	2	-	8	5	-	15
Lithuania	4	1	4	3	-	12
Mexico	1	-	-	-	-	1
Moldova	1	-	-	-	-	1
New Zealand	-	1	-	-	-	1
Nor' Ireland	6	-	2	1 ⁶	-	9
Poland	8	4	-	2	-	14
Portugal	1	-	-	1	-	2
Romania	-	1	-	1	-	2
Scotland	1	1	-	-	-	2
Slovakia	2	-	-	2	-	4
Spain	1	-	-	-	-	1
USA	4	4	-	-	-	8
Venezuela	1	-	-	-	-	1
Total	59	20	55	41	2	177

Note: All placements are carried out under Article 56 of Brussels IIa unless otherwise stated.

Note1: All social reports are carried out under Article 55 of Brussels IIa unless otherwise stated.

⁴ 15 cases under Brussels IIa & 2 cases under Article 34 of the 1996 Hague Convention – Information request/protective measures

⁵ 1 case for transfer of jurisdiction under Art 15 of Brussels IIa & 1 application for enforcement under Art 39 of Brussels IIa

⁶ Social report request under Article 32 of the 1996 Hague Convention

Total Outgoing applications 2015 (including cases carried forward)

Table C:

Country	Return	Access	Placement	Social Report	Other	Total
Australia	2	-	-	1 ⁷	-	3
Belarus	2	-	-	-	-	2
Belgium	1	-	-	1	-	2
Brazil	3	-	-	-	-	3
Bulgaria	1	-	-	-	-	1
Canada	2	-	-	-	-	2
Colombia	1	-	-	-	-	1
Cyprus	1	-	-	-	-	1
Czech Rep	2	-	-	-	-	2
Denmark	1	-	-	-	-	1
Eng' & Wales	29	5	13	-	-	47
France	5	-	-	-	-	5
Germany	1	1	-	-	-	2
Greece	1	1	-	-	-	2
Italy	3	-	-	-	-	3
Latvia	6	1	-	-	-	7
Lithuania	4	-	-	-	-	4
Mexico	1	-	-	-	-	1
Netherlands	1	1	-	1	-	3
Nor' Ireland	6	3	1	1	-	11
Poland	16	-	-	-	-	16
Romania	1	-	-	1	1 ⁸	3
Scotland	5	-	1	-	-	6
Slovakia	3	-	-	-	-	3
Sou' Africa	1	-	-	-	-	1
Spain	2	1	-	-	-	3
Switzerland	1	-	-	-	-	1
Thailand	1	-	-	-	-	1
USA	4	2	-	-	-	6
Total	107	15	15	5	1	143

Note: All placements are carried out under Article 56 of Brussels IIa unless otherwise stated.

Note1: All social reports are carried out under Article 55 of Brussels IIa unless otherwise stated.

⁷ Social report request under Article 32 of the 1996 Hague Convention

⁸ Request for transfer of jurisdiction under Art 15 of Brussels IIa

New Incoming applications received in 2015

Table D:

Country	Return	Access	Placement	Social Report	Other	Total
Australia	1	-	-	-	-	1
Bulgaria	-	-	-	1	-	1
Croatia	1	-	-	1	-	2
Czech Rep	-	-	-	2	-	2
Eng' & Wales	15	-	9	14 ⁹	1 ¹⁰	39
Finland	-	-	-	1	-	1
France	-	-	-	1	-	1
Germany	2	-	6	-	-	8
Greece	1	-	-	-	-	1
Hungary	-	1	-	1	-	2
Italy	-	1	-	-	-	1
Latvia	1	-	3	3	-	7
Lithuania	3	1	1	2	-	7
Mexico	1	-	-	-	-	1
Moldova	1	-	-	-	-	1
Nor' Ireland	2	-	1	1 ¹¹	-	4
Poland	5	-	-	1	-	6
Romania	-	-	-	1	-	1
Scotland	1	1	-	-	-	2
Slovakia	2	-	-	-	-	2
Spain	1	-	-	-	-	1
USA	2	2	-	-	-	4
Venezuela	1	-	-	-	-	1
Total	40	6	20	29	1	96

Note: All placements are carried out under Article 56 of Brussels IIa unless otherwise stated.

Note1: All social reports are carried out under Article 55 of Brussels IIa unless otherwise stated.

⁹ 2 cases under Article 34 of the 1996 Hague Convention – Information request/protective measures

¹⁰ Request for transfer of jurisdiction under Art 15 of Brussels IIa

¹¹ Social report request under Article 32 of the 1996 Hague Convention

New Outgoing applications received in 2015

Table E:

Country	Return	Access	Placement	Social Report	Other	Total
Australia	1	-	-	-	-	1
Brazil	1	-	-	-	-	1
Canada	1	-	-	-	-	1
Czech Rep	2	-	-	-	-	2
Eng' & Wales	21	2	9	-	-	32
France	2	-	-	-	-	2
Italy	2	-	-	-	-	2
Latvia	3	-	-	-	-	3
Lithuania	2	-	-	-	-	2
Mexico	1	-	-	-	-	1
Netherlands	-	1	-	-	-	1
Nor' Ireland	3	1	1	-	-	5
Poland	5	-	-	-	-	5
Romania	-	-	-	1	-	1
Scotland	2	-	-	-	-	2
Spain	2	-	-	-	-	2
USA	2	-	-	-	-	2
Total	50	4	10	1	0	65

Note: All placements are carried out under Article 56 of Brussels IIa unless otherwise stated.

Note1: All social reports are carried out under Article 55 of Brussels IIa unless otherwise stated.

Closed Incoming applications 2015

Table F:

Country	Return	Access	Placement	Social Report	Other	Total
Austria	-	-	1	-	-	1
Bulgaria	-	-	-	1	-	1
Czech Rep	-	-	-	2	-	2
Eng' & Wales	11	2	11	14	1 ¹²	39
France	2	1	-	-	-	3
Germany	-	-	7	-	-	7
Italy	1	-	-	-	-	1
Latvia	1	-	6	2	-	9
Lithuania	-	-	-	1	-	1
New Zealand	-	1	-	-	-	1
Nor' Ireland	6	-	-	1	-	7
Poland	4	3	-	1	-	8
Portugal	1	-	-	1	-	2
Romania	-	1	-	-	-	1
Slovakia	1	-	-	2	-	3
Spain	1	-	-	-	-	1
USA	3	2	-	-	-	5
Total	31	10	25	25	1	92

Note: All placements are carried out under Article 56 of Brussels IIa unless otherwise stated.

Note1: All social reports are carried out under Article 55 of Brussels IIa unless otherwise stated.

¹² Request for transfer of jurisdiction under Art 15 of Brussels IIa

Closed Outgoing applications 2015

Table G:

Country	Return	Access	Placement	Social Report	Other	Total
Australia	1	-	-	-	-	1
Belarus	1	-	-	-	-	1
Belgium	-	-	-	1	-	1
Brazil	3	-	-	-	-	3
Bulgaria	1	-	-	-	-	1
Czech Rep	1	-	-	-	-	1
Denmark	1	-	-	-	-	1
Eng' & Wales	17	4	10	-	-	31
France	2	-	-	-	-	2
Italy	2	-	-	-	-	2
Latvia	3	1	-	-	-	4
Lithuania	1	-	-	-	-	1
Netherlands	1	-	-	1	-	2
Nor' Ireland	3	1	1	1	-	6
Poland	4	-	-	-	-	4
Romania	1	-	-	-	1 ¹³	2
Scotland	4	-	1	-	-	5
Slovakia	1	-	-	-	-	1
Switzerland	1	-	-	-	-	1
Thailand	1	-	-	-	-	1
USA	2	2	-	-	-	4
Total	51	8	12	3	1	75

Note: All placements are carried out under Article 56 of Brussels IIa unless otherwise stated.

Note1: All social reports are carried out under Article 55 of Brussels IIa unless otherwise stated.

¹³ Request for transfer of jurisdiction under Art 15 of Brussels IIa

Case outcomes of finalised cases 2015

Table H:

Outcome Of Case	Incoming	Outgoing	Total
CHILD ABDUCTION APPLICATIONS:			
Court Order return:	6	11	17
Court Refused Return:	1	1	2
No rights of custody	-	1	1
¹⁴ Child's objection	-	1	1
¹⁵ Acquiescence	1	-	1
Court Refused return/access arrangements made:	6	-	6
Settled by consent:			
Child returned	-	1	1
Child not returned	1	-	1
Access arrangements made	-	4	4
Voluntary Return - settled by consent	11	12	23
Withdrawn:	25	23	48
Application Refused by Central Authority:			
Child aged out	-	2	2
¹⁶ Removal/retention not deemed wrongful	2	2	4
¹⁷ Habitual residence	1	1	2
Child not in jurisdiction	2	1	3
BRUSSELS IIa:			
Article 55 assistance given	21	3	24
Article 56 assistance given	12	9	21
Applicant did not qualify for legal aid (access case):	-	1	1
Proceedings struck out:	-	2	2
1996 HAGUE CONVENTION:			0
Art 31+32 - social report	1	-	1
Art 34 - protective measures (social report)	2	-	2
Finalised in 2015:	92	75	167
Carried over into 2016:	85	68	153
Total	177	143	320

¹⁴ Article 13(2) of the 1980 Hague Convention

¹⁵ Article 13a of the 1980 Hague Convention

¹⁶ Article 3 of the 1980 Hague Convention

¹⁷ Child not habitually resident in requesting state/habitual residence had changed

Total applications dealt with by Country - 31 December 2015

Table I:

Country	Total	% Total
Colombia	1	0.3%
Cyprus	1	0.3%
Denmark	1	0.3%
Finland	1	0.3%
Moldova	1	0.3%
New Zealand	1	0.3%
Sou' Africa	1	0.3%
Switzerland	1	0.3%
Thailand	1	0.3%
Venezuela	1	0.3%
Austria	2	0.6%
Belarus	2	0.6%
Bulgaria	2	0.6%
Canada	2	0.6%
Croatia	2	0.6%
Mexico	2	0.6%
Portugal	2	0.6%
Australia	4	1.3%
Belgium	3	0.9%
Brazil	3	0.9%
Greece	3	0.9%
Hungary	3	0.9%
Netherlands	3	0.9%
Spain	4	1.3%
Italy	5	1.6%
Romania	5	1.6%
Czech Rep	7	2.2%
Slovakia	7	2.2%
Scotland	8	2.5%
France	10	3.1%
USA	14	4.4%
Lithuania	16	5.0%
Nor' Ireland	20	6.3%
Latvia	22	6.9%
Germany	24	7.5%
Poland	30	9.4%
Eng' & Wales	105	32.8%
Total	320	100.00%

Number of cases received October 1991 - December 2015

Table J:

Year	Case No.'s
1992	42
1993	73
1994	90
1995	101
1996	87
1997	99
1998	92
1999	73
2000	71
2001	65
2002	72
2003	66
2004	70
2005	94
2006	111
2007	99
2008	141
2009	136
2010	140
2011	142
2012	147
2013	208
2014	184
2015	161
Total	2,564

Note: - 1992 figures are from October 1991 to December 1992.

October 1991 is when the Child Abduction and Enforcement of Custody Orders Act 1991 was commenced

Number of children subject to all proceedings

Table K:

Year	Total
1992	80
1993	125
1994	151
1995	184
1996	153
1997	164
1998	159
1999	118
2000	114
2001	96
2002	112
2003	99
2004	97
2005	154
2006	160
2007	155
2008	183
2009	183
2010	193
2011	198
2012	192
2013	287
2014	255
2015	225
Total	3,837

Note 1: Some applications involve more than one child.

Note 2: - 1992 figures are from October 1991 to December 1992.

October 1991 is when the Child Abduction and Enforcement of Custody Orders Act 1991 was commenced

Appendix A

International and EU Instruments dealing with parental child abduction and other matters relating to parental responsibility:

The 1980 Hague Convention on the Civil Aspects of International Child Abduction

The 1980 Hague Convention is designed to ensure the return of children who have been removed from one contracting state to another - usually by a parent against the wishes of the other parent. It is based on the principle that the best interests of the child are served if custody issues are decided by courts in the State in which the child usually lives. There are over 90 states contracting parties to the 1980 Hague Convention. Under Article 13 of the 1980 Hague Convention, a State is not bound to order the return of a child in some exceptional circumstances. The Child Abduction and Enforcement of Custody Orders Act 1991 gives the force of law in the State to the 1980 Hague Convention.

The European Council Regulation (2201/2003) concerning Jurisdiction and the Recognition and Enforcement of Judgments in Matrimonial Matters and Matters of Parental Responsibility (commonly known as Brussels IIa)

This Regulation complements the 1980 Hague Convention by enhancing the role of the country of habitual residence in order to assist in speedier resolutions of such cases. The Regulation applies to abductions between EU Member States, as well as to procedures for the recognition and enforcement of other types of orders relating to children.

The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Hague Convention)

This Convention is broad in scope, covering a wide range of civil measures. Its main purpose is to enhance the provisions of the 1980 Hague Convention. The Protection of Children (Hague Convention) Act, 2000 gives the force of law in the State to the 1996 Hague Convention. In the European Union, this Convention has mainly been superseded by Brussels IIa.

The European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (The Luxembourg Convention)

The Luxembourg Convention is designed to ensure that custody and access orders granted in one contracting state are recognised and enforced in other contracting states. In the European Union, this convention has been superseded by Brussels IIa.