

**MINISTRY OF SOCIAL SECURITY AND LABOUR
CHILDREN'S AND YOUTH DEPARTMENT**
26-07-2006

**QUESTIONNAIRE ON THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL
LAW**

1. Answer by the State Child Rights Protection and Adoption Service (SCRPAS): We have encountered no problems concerning effective communication with central authorities of other states. In order to ensure effective communication with other countries' central authorities, SCRPAS normally uses electronic mail and sometimes fax. An electronic mailbox of a person responsible for the implementation of the 1980 Convention is normally used for the sending and receiving information. In this way confidentiality of communication is ensured.

2. None.

3. SCRPAS website (www.ivaikinimas.lt) contains information the Hague Conventions that authorise SCRPAS to perform functions assigned to a central authority.

The website provides information on the 1980 Convention and the following data:

- states that have approved of Lithuania's accession to the Convention;
- name of the central authority and contact details of responsible persons;
- application forms (in Lithuanian and English) to be filled while approaching the central authority concerning return of a child;
- names and contact data of institutions working in the area of prevention, control and investigation of children's abduction and illegal taking away and keeping.

It should be noted that it was only recently that SCRPAS has started receiving applications under the 1980 Convention, therefore, the practice of application of the Convention to individual cases is in the process of formation. For this reason certain procedures (e.g. those referred to under items e), g), h) and i)) related to international children's abduction cases are still being reviewed.

4. In order to achieve that a child is voluntarily returned and an amicable agreement is reached SCRPAS strives to furnish both the applicant and the abductor with detailed information about advantages of returning the child – by direct communication, phone or letters or via electronic mail, i.e. to persuade them that this would be a simpler, quicker and cheaper process than judicial proceedings and that, in addition, the probability of harming the child would be reduced. Cases of successful returning of children from abroad are indicated to the parties, which also influences their decision on amicable agreement.

If, nevertheless, SCRPAS sees that the parties are not going to settle the dispute in an amicable way, it refers them to Lithuanian attorneys-at-law so that the parties can use their services in settling the dispute both in pre-judicial stage and in the course of judicial proceedings.

Furthermore, the parties are always informed about an opportunity (i.e. even without negotiating over the voluntary return of the child) to resolve the issue of the return in court.

5. SCRPAS has not entered into any twinning arrangements with other central authorities. As the formation of practice of settlement of applications under the 1980 Convention is still underway in Lithuania, in resolving individual cases SCRPAS uses experience and knowledge of the state to which the abduction case is related. We would like to separate out the United Kingdom as a state that resolves cases under the 1980 Convention very effectively.

On 12-13 October 2005 a conference entitled “Protection of Children by Implementing International Conventions on Custody and Adoption of Children” was held in Vilnius by the Ministry of Social Security and Labour and SCRPAS. The conference focussed on international experience and practice of implementation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption; discussions on best practice in Lithuania and abroad were held; and issues of communication with children and returning the children to their legal representatives were discussed. The conference was aimed at increasing awareness of the Hague conventions on international private law regulating international procedures securing the representation and protection of both property and non-property rights of children and defining competences of the authorities responsible for the implementation of the conventions.

At the conference reports were delivered by experts of the Hague Conference on Private International Law, a representative of the Swiss International Social Service (ISS), representatives of Lithuanian, Finnish, Latvian and Estonian central authorities and a judge of the Lithuanian Supreme Court.

The conference had around 100 participants including representatives of Lithuanian ministries and municipal children’s rights protection services, judges, attorneys-at-law, bailiffs, representatives of universities and other state and local authorities dealing with children’s rights protection issues as well as guests from foreign states. Thus, apart from increasing awareness of the 1980 Convention, the conference facilitated establishing contacts with representatives of other central authorities.

6. According to the Ministry of Justice, general rules apply at present and there are no plans to establish specialisation of courts and judges. It should be noted, however, that at many district courts of the Republic of Lithuania there are judges specialising in family and juvenile cases as such cases require special knowledge and qualifications.

7. 7a) According to the Ministry of Justice, applications under the Hague Convention are examined by way of extraordinary proceedings that ensure efficient resolution of issues within the time limits established in Article 11 of the Convention.

7b) In accordance with the laws in force applications under the Hague Convention can be examined both by way of written and oral procedure depending on the circumstances of the case.

8. According to the Ministry of Justice, Articles 42 and 26(3) of the Convention do not obligate the Republic of Lithuania to pay costs of judicial proceedings or costs of participation of attorneys-at-law or advisers referred to in Article 26(2) of the Convention, except for the cases where such costs can be paid out of the funds allotted for the Lithuanian legal aid and consulting system.

In accordance with the Code of Civil Procedure of the Republic of Lithuania, litigation costs consist of the stamp duty and costs related to the examination of the case. Article 83(1), p. 13 of this Code establishes that in cases related to the implementation of the Convention claimants are exempted from stamp duty.

In accordance with the Republic of Lithuania Law on Legal Aid Guaranteed by the State, legal aid rendered by the state is classified as primary and secondary legal aid. Primary legal aid includes provision of legal aid and consulting as well as preparation of documents intended for submission to state and local authorities except for procedural documents. Furthermore, this legal aid also includes consulting on dispute resolution out-of-court, actions related to amicable resolution of disputes, and drafting of an agreement on lawsuit. Secondary legal aid includes preparation of documents, defence and representation in judicial proceedings including the execution process, representation in case of preliminary resolution of disputes out-of-court provided that such procedures have been established by the law or by a court judgement. In addition, secondary legal aid includes compensation for litigation costs in civil proceedings, costs related to deciding cases in accordance with the administrative procedure, and costs related to examination of civil claims made in criminal proceedings.

Any citizen of the Republic of Lithuania, citizens of other EU Member States, other natural persons residing in the Republic of Lithuania and other EU Member States as well as persons referred to in international treaties signed by the Republic of Lithuania are entitled to primary legal aid. Secondary legal aid is provided to citizens of the Republic of Lithuania, citizens of other EU Member States, other natural persons legally residing in the Republic of Lithuania and other EU Member States whose property and annual income does not exceed property and income levels established by the Government of the Republic of Lithuania for the purposes of provision of legal aid. Persons entitled to social benefit under the Republic of Lithuania Law on Social Assistance in Cash to Low-Income Families (or Single Persons) have the right to secondary legal aid irrespective of the property and income levels as well as persons having presented evidence that they cannot dispose of their property and funds for objective reasons, as a result of which their property and annual income they can dispose of does not exceed the property and income levels established by the Government. Detailed information on this issue is provided on website www.teisinepagalba.lt.

We have no information that such rules have delayed the implementation of the Convention.

9. Article 12 of the 1989 UN Convention of the Rights of the Child (ratified by Lithuania 1995; according to Lithuania's law, this legal act is a direct application document) establishes the child's right to express his/her views on any issues pertaining to him/her and to be heard, in any judicial or administrative proceedings pertaining to him/her, either directly or through a representative or relevant body in accordance with the procedure established by national laws. Accordingly, Article 3.164(1) of the Civil Code of the Republic of Lithuania establishes the duty to directly hear a child

who is able to formulate his/her view where any issue related to the child is being resolved. Courts resolving child-related issues including issues under the Hague Convention take guidance from these provisions.

In its 1997 Manual on Human Rights Reporting, the UN Committee on the Child's Right noted that the child's right to being heard established in Article 12 of the Convention on the Rights of the Child can be realised in different ways, either directly or through representatives or other appropriate persons, and stated that all these ways represent alternatives, each of them providing the child with an opportunity for expressing his/her opinion in a free and informative way. Taking account of the child's mental immaturity emphasised in the preamble of the Convention, Lithuanian courts always give the child's interests a priority when taking any actions pertaining to the child; also, knowing that the child's questioning in court can damage his/her psyche, Lithuanian courts use the method of hearing the child through a representative in addition to hearing him/her directly in court. The child's wishes and views are heard through a representative in those cases when the hearing the child in court would contradict his/her interests due to the child's sensitivity, health condition etc. The court may cause a state child's right protection agency, the child's pedagogues, mentors etc. to hear the child and inform the court.

10. The Ministry of Justice has no information on the application of Article 20 of the Convention in our country.

11. The constitutional principles and procedures applied in the Republic of Lithuania provide proper conditions for the implementation of the Hague Convention.

12. There are no adopted laws or other legal acts in Lithuania directly regulating the procedure for the implementation of the 1980 Convention or related issues. To the best of SCRPAS's knowledge, no judicial practice has formed in this area so far. However, it should be noted that the 1980 Convention is closely related to the application of the Council Regulation of 27 November 2003 (EC) No.2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility repealing Regulation (EC) No. 1347/2000 ("Regulation"), therefore, a law adopted by the Seimas of the Republic of Lithuania should be mentioned in this context. The Republic of Lithuania Law on the Implementation of the Council Regulation of 27 November 2003 (EC) No.2201/2003 Concerning Jurisdiction and the Recognition and Enforcement of Judgments in Matrimonial Matters and in Matters of Parental Responsibility Repealing Regulation (EC) No. 1347/2000" adopted by the Seimas on 21-04-2005 (No.X-169), defines the peculiar features of examining judicial cases related to the Regulation concerning the return of child that has been illegally taken away or kept in a state other than the state of his/her permanent residence, the consideration of applications for the use of the right to communication, and the execution of certificates issued by courts of the EU Member States; the law also establishes the central authorities performing functions laid down in the Regulation. A copy of this law is appended (Annex 1).

In addition, it is important to note that, by order of the Social Security and Labour Minister of the Republic of Lithuania No. A1-87 of 24-03-2006, the State Child Rights Protection and Adoption Service is authorised to perform functions assigned to a central authority in the area of the protection of the child's rights and lawful interests under the 1980 Convention, fulfilling the duties

assigned to a competent authority under Articles 8, 9 and 33 of the 1996 Convention. However, the Ministry of Social Security and Labour remains responsible for the implementation of these Conventions. Copy of the order is appended (Annex 2).

In the practical application of the 1980 Convention, a problem of different interpretation of terms used in the Convention and in Lithuanian legal acts arises. For example, under the Civil Code of the Republic of Lithuania, the issue of place of residence of the child must be resolved in case of dissolution of marriage. If the father and the mother live separately, the place of residence of the child is established by the parents' agreement. In case of dispute between the parents, the child's place of residence with one of the parents is established by court.

In accordance with the Procedure for the Child's Temporary Leaving for Foreign Countries approved by resolution of the Government of the Republic of Lithuania No. 302 of 28 February 2002, when the child is leaving with the parent with whom the child lives by court decision, no consent of the other parent is required for leaving. However, in most cases persons to whom the procedure is applied leave for foreign countries for a longer period and then the leaving is treated as a permanent one. Consequently, the parent with whom the child lives can decide on the child's place of residence without the other parent's consent.

On the other hand, however, the Civil Code of the Republic of Lithuania states that a parent who does not live with the child has the right and duty to communicate with and participate in the upbringing of the child, while the child whose parents live separately has the right to communicate with both parents permanently and directly irrespective of the place of residence of the parents. The parent with whom the child lives has no right to hinder the other parent's communication with and participation in the upbringing of the child.

Thus, in accordance with the Lithuanian law, the issue of the child's place of residence is resolved in case of dissolution of marriage and no establishment of the custody rights takes place. Therefore, in practice problems arise while determining whether the parent with whom the child lives by court decision also has the custody rights with respect to the child.

13. During the period from 2001 till 1 July 2006, out of the terms referred to in paragraph 13, only the term "**permanent place of residence**" (sub-paragraph 13(b)) has undergone changes. In accordance with Article 3(2) of the Republic of Lithuania Law on the Declaration of the Place of Residence (Official Gazette 1998, No.66-1910), **place of residence** is defined as "<main place where the person actually lives most often and with which he/she is mostly connected". The term was changed by adopting the Law on Amendments to Articles 3, 4, 6, 7, 8, 9, 10 and 11 of the Law on the Declaration of the Place of Residence (Official Gazette, 2002, No. 45-1711) and came into effect on 1 January 2003.

14. On 1 May 2004 Lithuania became a Member State of the European Union. In the pre-accession period Lithuania undertook measures to harmonise its national law with the EU *acquis* and assumed obligations under international treaties covered by the EU *acquis*. The following EU legal acts governing legal cooperation in criminal, civil and commercial cases became binding upon Lithuania:

1. 1959 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union established by the Council in accordance with Article 34 of the Treaty

- on European Union (ratified by law No. IX-2007 on 5 February 2004). Took effect on 23 August 2005 and is applied among the EU Member States that have ratified it.
2. Protocol to the 1959 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union established by the Council in accordance with Article 34 of the Treaty on European Union (ratified by law No. IX-2007 on 5 February 2004).
 3. Council Regulation of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial cases (EC) No. 1348/2000.
 4. Council Regulation of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial cases (EC) No. 1206/2001.

Furthermore, the Additional Protocol to the 1959 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union took effect with respect to Lithuania on 19 March 2004.

These acts enable judicial authorities of the Republic of Lithuania to directly liaise with foreign judicial authorities, which results in speedier and more effective legal cooperation.

15. The Migration Department under the Ministry of the Interior of the Republic of Lithuania has had no practice in such cases.

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18. No cases in which similar problems arise are known.

19. The Ministry of Justice has no information on cases where resolution of issues of children's return would be influenced by such circumstances as bringing charge against a parent – abductor in the country to which the child should be returned.

20. No such programmes exist in Lithuania for the time being. All the cases involving disputes between parents residing in different states concerning changing of the child's place of residence were settled on private basis with the help of attorneys hired by the parties.

21. Lithuania has no experience in mediation as there is no such institute for the settlement of family disputes. In accordance with the action plan for 2005-2012 drawn up under the State Policy

for the Welfare of the Child approved by the Government of the Republic of Lithuania by its resolution No. 184 of 17 February 2005, the Ministry of Justice must prepare, by 2007, a concept for and the draft law on mediation in the resolution of family disputes.

22. None

23. None

24. While implementing the provisions of Article 93(1) of the Republic of Lithuania Law on Courts, the Ministry of Justice organises, on permanent basis, initial training for judges and mandatory skills improvement courses on the family law issues including the international treaties signed and the conventions ratified by the Republic of Lithuania (including the 1980 Hague Convention).

On 12-13 October 2005 a conference entitled “Protection of Children by Implementing the International Conventions on Custody and Adoption of Children” was held in Vilnius by the Ministry of Social Security and Labour and SCRPAS. For more details see Answer 5.

On 16-17 March 2006, the European Commission's DG Enlargement (TAIEX) held a seminar “Laws and International Conventions in the Area of Custody of Children and Related Issues”. This seminar held in Vilnius was devoted to the discussion of the operation of and practical issues related to the Regulation No. 2201/2003 as well as its relationship with the 1980 Convention. Judges and representatives of the Ministry of Justice and the central authority participated in the seminar.

A seminar on the Acquis and International Conventions in the Area of Custody of Children and Related Issues was held by the European Commission's DG Enlargement (TAIEX) on 21-22 July 2005 in Brussels. The purpose of the seminar was to increase judges' awareness of the Regulation 2201/2003 and the 1980 Convention. Lithuania sent to the seminar 4 judges, 1 representative of the Ministry of Justice and 1 representative of SCRPAS.

On 21 June 2006, the European Commission's DG Justice and Home Affairs organised the 17th meeting of contact persons of the European Judicial Network in Civil and Commercial Matters. The meeting was intended for the discussion of the role and experience of central authorities in the implementation of Regulation 2201/2003. The meeting was attended by the representatives of the Lithuanian Ministry of Justice and SCRPAS.

These seminars and the conference enabled judges and representatives of the central authority to deepen their knowledge on the operation of the Regulation 2201/2003 and the 1980 Convention.

25. We have no information on cases concerning return of children under the Hague Convention decided in the courts of the Republic of Lithuania.

- 26.** No case of return of the child has occurred so far. Where a threat of domestic violence arises, general child protection measures are applied.
- 27.** We have no information on the influence of “undertakings” presented to the Lithuanian courts in judicial proceedings instituted under the Hague Convention.
- 28.** For the time being there have been no cases involving such problems.
- 29.** Decisions on granting “safe harbour” in the Republic of Lithuania do not fall within the scope of competence of the courts except for cases where appeals are filed to court against public authorities authorised to adopt decisions on granting of the asylum status (i. e., the Migration Department under the Ministry of the Interior of the Republic of Lithuania).
- 30.** None
- 31.** Domestic violence or abuse (of psychological nature in particular) is difficult to determine and prove as spouses or ex-spouses present different versions, evidence by witnesses is usually lacking etc. Therefore, in our opinion, competent authorities of different states should carefully examine complaints over such violence cases and prepare detailed information on relations between family members in order to avoid returning the child to an environment where violence takes place.
- 32.** SCRPAS has no information on cases involving such problems.
- 33.** No problems in relation to the filling out of the questionnaire arose.
- 34.** We have no proposals on this issue.
- 35.**
- 36.**

37. Part I and Part II (Central Authority Practice and Implementing Measures, respectively) of the Guide to Good Practice were translated into Lithuanian in 2004. The Ministry of Social Security and Labour commissioned the publication of the translation of Part I (500 copies) and disseminated it among libraries, courts, ministries and municipal child rights protection services. SCRPAŠ has used this publication as well as other parts of the Guide to Good Practice in settling applications under the 1980 Convention and in seeking ways to implement the Convention in Lithuania. The Guide was also used in preparing information on the 1980 Convention for SCRPAŠ's website.

38. Parts I and II of the Guide to Good Practice were translated into Lithuanian and distributed free of charge to municipal child rights protection services and courts as methodical guidance.

39. For the time being Part III of the Guide to Good Practice (Preventive Measures) has not been translated into Lithuanian and published or otherwise distributed.

40. The Ministry of Justice informs that communication rights established by court decision and including interstate meetings/communications are implemented in accordance with the procedure set out in Chapter LVII "Specific Features of Implementation of Decision of Non-Pecuniary Nature" of the Code of Civil Procedure of the Republic of Lithuania that came into effect on 6 April 2002. In case of failure to execute a court decision obligating the debtor to take or to stop certain actions not related to the transfer of property or funds, a bailiff issues a report in the set form. If a decision obligating the debtor to take/stop certain actions that may only be taken/stopped by the debtor himself is not executed within the time limit set by the court, the bailiff must submit the report to a local court the jurisdiction of which includes the place of execution. The issue of non-execution of the decision is heard in court. The claimant and the debtor are informed about the time and place of the court hearing, however, failure to appear in court by the claimant or the debtor does not prevent the court from considering the issue of non-execution. If the court establishes that the debtor has failed to execute the decision, it may impose a fine of up to LTL 1,000 for the benefit of the claimant and set a new time limit for the execution of the decision. Should the debtor fail to comply with the time limits for the second time or more times, the court repeatedly imposes sanctions provided for in p. 5 of this article. Payment of the fine does not release the debtor from the liability to take/stop actions set out in the court decision. In case if a legal person has failed to execute a court decision obligating the debtor to take or to stop certain actions not related to the transfer of property or funds, the court may impose sanctions upon the head or another responsible person of the enterprise.

41. In the opinion of SCRPAŠ, these publications should contain a detailed discussion of issues of execution of court decisions on communication rights and return of the child: how execution of such decisions should be ensured; how a decision is to be executed if the person refuses to execute it voluntarily; who bears execution costs (including costs of travel, services by bailiffs, psychologists etc.); which persons may/should participate in the execution of court decisions adopted under the 1980 Convention etc.

42. We have no proposals.

43. None

44. We have no proposals as Lithuania's practical experience in this area is not extensive.

45. The Procedure for the Child's Temporary Leaving for Foreign Countries was approved by resolution of the Government of the Republic of Lithuania No. 302 of 28 February 2002. The Procedure governs the temporary leaving abroad by children of citizens of the Republic of Lithuania and of foreign nationals. A copy of the Procedure is appended (Annex 3).

We would like to note that problems often arise in the course of implementation of this Procedure as people's migration is becoming more active and the number of illegitimate children is increasing. In our opinion, development of a general standard form of a permit for a child to leave abroad would be useful both in terms of prevention of child abduction and of increasing awareness of parents changing their place of residence and being obligated to comply with the requirements of different foreign states. The term of validity of the permit should also be specified in the form.

46. Since 24-03-2006 the State Child Rights Protection and Adoption Service has been authorised to perform functions assigned to a central authority under the 1980 Convention. As part of performance of these functions, SCRPAAS has started collecting statistics on applications examined under the 1980 Convention. This information will also be submitted to the Permanent Bureau on an annual basis.

47. SCRPAAS uses *Microsoft Excel* for the collection and processing of statistics. However, we are interested in the implementation of the new *iChild* already used by 6 Contracting States.

48. No debates on this issue have taken place in the Seimas (Parliament) of the Republic of Lithuania.

49. The Ministry of Justice and other stakeholders do not have any information on potential negative impact of the Hague Convention.

50. The main method is placing the information on the Convention in websites of the Ministry of Social Security and Labour and SCRPAAS. The information is public and freely accessible.

51. Lithuanian non-governmental organisations do not work in this field for the time being.

52. All these services provided by the Permanent Bureau are very useful and facilitate understanding of the operation of the 1980 Convention as well as its practical application and implementation. On the other hand, workshops and training for the newly acceding states should be organised more actively. The Ministry of Justice informed us that, being not responsible for the implementation of the Convention (it is not a central authority), it has no opinion on or proposals for the usefulness of the measures intended for judges and related to the Convention's implementation.

53. None.

54. Lithuanian competent authorities have not encountered such problems so far.

55. No cases of avoidance of application of the Convention are known to the Ministry of Justice and other institutions.

56. SCRPAS has dealt with cases concerning unlawful taking away of children to Lebanon and Denmark.

57. We have no proposals in this area.

58. Lithuania has not entered into any bilateral agreements with non-Contracting States related to the implementation of the Convention.

59. Information on court decisions provided in INCADAT is detailed and clear enough.

60. Since 1 March 2005, Regulation 2201/2003 has been directly applied and supercedes national law in all the EU Member States except for Denmark. Therefore, in our opinion, the adoption of the Regulation promotes the application of the 1980 Convention among these states. Furthermore, training related to the implementation of the Regulation as described above facilitates the practical application of the 1980 Convention.

61. We have no comments on the effect of the UN Convention on the Rights of the Child upon the 1980 Convention.

62. There are no laws or other legal acts adopted in Lithuania that would directly govern the procedure of implementation of the 1996 Convention or similar issues. In Lithuania, this Convention took effect not long ago – on 1 September 2004; it is a document of direct application not requiring adoption of any regulations for its implementation. To the best of SCRPAS’s knowledge, Lithuanian courts have no practice in the application of the Convention. Furthermore, Council Regulation (EC) No. 2201/2003 is applied instead of the 1996 Convention in the following cases: (a) permanent place of residence of the child is in the territory of a EU Member State; and (b) for the purposes of recognition and execution of a court decision adopted in a EU Member State in the territory of another EU Member State even if permanent place of residence of the child is in the territory of a third state which is a Contracting Party to the 1996 Convention. As the number of Contracting Parties to the 1996 Convention that are not EU Member States is not large, this Convention would not be extensively applied in Lithuania. On the other hand, an analysis of the Lithuanian judicial practice shows that at present judges do not have a good understanding of the peculiar features of application of the 1996 Convention, therefore, sometimes the Convention is not applied in judicial cases even if there are grounds for applying it.

63.

64. As Lithuania has no history of application of the 1996 Convention, it is hard to identify difficulties in the interpretation of its provisions. However, it is possible that linguistic problems of interpretation may arise. For example, both the 1996 Convention and the 1980 Convention contain the term “habitual residence”, which has been translated in the Lithuanian version of the 1996 Convention as “permanent place of residence” (“domicile”). However, such translation is inaccurate both from linguistic and legal point of view. Therefore, mistakes can be made while using only the Lithuanian version of the Convention, as the child’s place of residence can be mixed with his/her permanent place of residence.

65. Guidance on practical implementation of the 1996 Convention is lacking. Therefore, a good practice guide on the implementation of the Convention would be very useful.

66. The Republic of Lithuania has acceded to both Hague Conventions. The 1980 Convention has been applied since 1 September 2002 and the 1996 Convention since 1 September 2004.

67. In the opinion of the Ministry of Justice, in order to secure uniform interpretation and application of the Hague Conventions, it is expedient both to publish comments on the Convention and decisions adopted by courts and to systematise and summarise judicial practices of the Contracting States gained in the course of application of the Conventions' provisions. In addition, the texts of the Conventions could be published together with comments on each Article and an overview of practice of courts that have interpreted/adopted the Article.

68. We have no proposals.
