

附件二 - 澳門特區

MACAO SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S
REPUBLIC OF CHINA

RESPONSES TO THE QUESTIONNAIRE CONCERNING THE PRACTICAL
OPERATION OF THE HAGUE CONVENTION OF 25 OCTOBER 1980 ON
THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

The role and functions of Central Authorities

1. Have any difficulties arisen in practice in achieving effective communication with other Central Authorities? In particular, how are "modern rapid means of communication," used by your Central Authority in order to expedite communications, bearing in mind the requirements of confidentiality?

Yes, in the Macao Special Administrative Region of the People's Republic of China (MSAR), some difficulties have arisen in practice in achieving communication with other Central Authorities but such difficulties are mainly related to the recurrent use of the faculty provided for in the last sentence of the first paragraph of Article 24 of the Convention and not connected with the use of modern means of communication.

In fact, documents sent to the MSAR Central Authority, the *Welfare Institute of Macao*, instead of being accompanied by a translation in one of the official languages of the MSAR, are systematically accompanied by a translation in English or French. It is difficult to produce accurate and quick translations. Consequently, this language question has implications in what concerns prompt responses and rapid communication as well as in the processing applications.

Specifically, regarding the use of new communication technology, as referred, no major problem was encountered until now. Upon receiving a request, the MSAR Central Authority will promptly assign a specific person to communicate with the other Central Authority. The means of communication will depend on the concrete situation. For more delicate/confidential situations, China's consular and/or diplomatic channels can be used. In this regard, it should be mentioned that, in the MSAR, the effect of electronic documents and signatures is regulated by law, and all public entities, including its Central Authority, are materially well equipped.

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2. Are there any other problems of co-operation with other Central Authorities to which you wish to draw attention?

No.

3. Does your Central Authority maintain a website and/or a brochure/information pack? (Please provide the web address or check if the information on the Hague Conference website is accurate, see <www.hcch.net> Child Abduction Section → links to related websites). If so, does the website and/or brochure/information pack contain the following information as recommended by the Special Commission of 2001:

- "a) the other Contracting States in relation to whom the Convention is in effect;*
b) the means by which a missing child may be located;
c) the designation and contact details for the Central Authority;
d) application procedures (for return and access), documentary requirements, any standard forms employed and any language requirements;
e) details, where applicable, of how to apply for legal aid or otherwise for the provision of legal services;
f) the judicial procedures, including appeals procedures, which apply to return applications;
g) enforcement options and procedures for return and access orders;
h) any special requirements which may arise in the course of the proceedings (e.g. with regard to matters of evidence);
i) information concerning the services applicable for the protection of a returning child (and accompanying parent, where relevant), and concerning applications for legal aid for, or the provision of legal services to, the accompanying parent on return;
j) information, if applicable, concerning liaison judges"?

Yes, the MSAR Central Authority maintains a website – www.ias.gov.mo - which contains its contact details and general information and a link to the website of the Hague Conference. This website will be improved in the near future in order to include more detailed information on the Convention.

Specific legal information, such as the authentic text of the Convention (in French and English), its translations into both of the official languages of the MSAR (Chinese and Portuguese), and related notifications made to the depositary are published in the MSAR *Official Gazette*. The access to the corresponding website, that is to say, <http://www.imprensa.macao.gov.mo>, is free of charge.

4. What measures does your Central Authority undertake to encourage voluntary returns and amicable resolutions, and how do you seek to ensure that these negotiations do not lead to undue delay in return proceedings? [Note: Questions 20-22 deal with the subject of mediation.]

The MSAR Central Authority is also the governmental entity internally in charge of matters related to childhood and youth. Its functions as Central Authority are strictly of an administrative nature and do not cover decisions on cases of abduction under the Convention, which are of the exclusive competence of the judicial.

In fact, as a general rule, both parents exercise parental power. In cases of divorce, separation, etc., although the new system of exercise of parental power can be established by the parents through an agreement, such an agreement must be subject to homologation/ratification by the court. Thus, it could be said that only the courts are competent to decide matters concerning the regulation of the exercise of parental power, rights of custody and of contact, the respective alteration, including return/parental visitation orders under the Convention.

Nevertheless, in all situations involving children, the MSAR Central Authority is responsible for the investigation into the circumstances and needs of the child and the preparation of the social reports to be presented to the court.

In any case, whether it is purely internal or under the Convention, the MSAR Central Authority, whenever a child is involved and at risk, has the functional power/duty of defending the best interest of that child. As trying to bring about an amicable resolution between the child's parents/guardian/family members and to secure the voluntary return of the child, in principle, concur with the best interest of the child, it will be automatically seen as covered by that power/duty. In practical terms, usually this is done in a very simple manner, prior to the institution of the judicial proceedings, by means of interviewing the non-compliant parent/guardian or, if possible, both parents, reasoning with him/her/them, encouraging them to try to resolve their differences by mutual consensus without resorting to court and reminding them of the negative consequences of criminal prosecution (subtraction of a minor is a criminal offence in the MSAR, though it depends on a complaint being lodged), etc.. It is worthwhile to mention that the Central Authority's staff is a multidisciplinary and well trained team of experts.

Once the judicial proceeding is instituted, it is mandatory under the law, as a first step of the hearing, for the judge to try to conciliate the interested parties.

5. In accordance with the Guide to Good Practice – Part I on Central Authority Practice, has your Central Authority shared its expertise with another Central Authority or benefited from another Central Authority sharing its expertise with your Central Authority?

There was no opportunity of sharing expertise directly with other Central Authorities until this moment. Nonetheless, the MSAR Central Authority has benefited from sharing of experiences and expertise in the Special Commissions to study the operation of the Convention.

Court proceedings

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

There is no special arrangement whereby jurisdiction to hear return applications is concentrated in a limited number of courts. However, Law 9/2004, modifying and complementing the Law on the Basis of the Organization of the Judicial, created First Instance Courts specialised on family and minors issues.

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

- a) Are there set timetables at both trial and appellate level to ensure the speedy determination of return applications?

The speedy determination of return applications is ensured not by means of set timetables but by the speciality of the overall of the applicable procedure.

The Convention is directly applicable and prevails over ordinary law. Hague applications follow existing legal framework, in particular, the Civil Code, Decree-Law 65/99/M of 25 October, that establishes the Child Educational and Social Protection Regime, and the Civil Procedure Code. Decree-Law 65/99/M contains both special substantive and procedural provisions.

In procedural law terms, a request for the return of a child constitutes a special injunction called "*judicial surrender of a child*", which may be required in connection with or independently of any other proceedings. In urgent critical situations, it is possible to request the court to issue provisional decisions. For instance, whenever a delay may cause damages to the interests of the child, the relevant act shall be ordered and carried out immediately (even during judicial

holidays). Once the injunction procedure is instituted, the Public Prosecutor and the person/entity with whom the child is residing with/entrusted to shall have 5 days from the date of service of process to oppose the request to surrender the child. If there is no such opposition or if the opposition is manifestly without ground, the surrender shall be immediately ordered by the judge. Voluntary failure to comply with that order is a criminal offence of qualified disobedience. In case opposition is deducted, the producing of evidence will take place, but the judge enjoys discretionary power in what concerns the admissibility of produced evidence, the requesting of measures deemed necessary and of a social report on the situation of the involved parties. If through such measures/report it is shown that the requesting person is in 'conflict of interest', that person will be served to, within 5 days, answer to that allegation and present evidence, after which the judge will decide.

Likewise, though appeals are possible and follow, in principle, the ordinary appeals' general rule: the respective effect (as to stay or not the proceedings or the decision) is decided by the judge.

Hence, it is possible to ensure that Hague applications are dealt with promptly.

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

As mentioned, there is no difference between purely internal cases and cases under the Hague Convention. There is no special measure or rule to control or limit evidence in general or oral evidence in particular. Within personal jurisdiction, it is to the judge to admit the evidence (please refer to the last part of the previous response).

8. What measures exist to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers? Do such measures lead to delays?

In the MSAR, the right to resort to law and to have access to the courts, to lawyers' help for protection of lawful rights and interests and to judicial remedies is a fundamental right guaranteed by Article 36 of the Basic Law. Justice cannot be denied on any grounds, in particular, lack of financial resources.

Two different mechanisms are in place to fully ensure this right: (i) the free legal counselling/assistance service provided by the *Public Assistance and Information Centre* (under Decree-Law 60/86/M, of 29 December, as modified by Decree-Law 14/91/M, of 18 February); and (ii) the legal aid's system (under Law 21/88/M, of 15 August, and Decree-Law 41/94/M, of 1 August) (the texts of the quoted laws are available on the referred website: <http://www.imprensa.macao.gov.mo>.)

The legal aid's system covers total or partial exemption from or postponement of payment of judicial costs as well as of lawyers' fees. It depends solely on the lack of financial resources to pay normal court/lawyers expenses and can be requested at any stage of the proceedings.

Applications under the Convention are directed to the MSAR Central Authority, which will analyse them and verify whether the case meets the requirements established under the Convention. If so, it will act by means of providing information and assistance - as it has not the necessary *locus standis* to institute the judicial proceedings itself, nor to request the benefit of legal aid on behalf of an applicant. Only if expressly and duly empowered by the applicant, the MSAR Central Authority will be able to take further action, such as appointing a lawyer to represent the applicant and institute judicial proceedings and/or requiring directly or through the lawyer or the Public Prosecutor the benefit of legal aid (under the quoted domestic law read together with article 25 of the Convention). Otherwise, the MSAR Central Authority may only provide information and assistance by directing the interested applicant to the relevant entities and by certifying the applicant's lack of financial resources upon transmitted information on his/her financial situation. It is up to the court to decide whether the requirements for obtaining legal assistance are met. The legal aid 'proceedings' are expeditious and generally do not result in delays.

9. **In what circumstances and by what procedures/methods are children heard in Hague proceedings? In particular how will a determination be made as to whether a child objects to return, and in what circumstances might judges refuse to return a child based on his or her objections?**

As referred, there are no differences between Hague proceedings and analogous domestic proceedings:

The child's right to be heard on important matters relating to his/her life is reflected in several legal provisions, but the law does not establish a concrete age at which a child must or should be heard. Article 1756(2) of the Civil Code stipulates, as a general rule, that whenever there is no consensus between parents in matters of particular importance, the court, before deciding, shall hear the child if he/she is over 12 years old. Similarly, Decree-Law 65/99/M determines that if measures have to be adopted in regard to a child and if the child is over 12 years old, he/she shall be heard (Articles 67 and 82).

Any decision involving a child must be made, taking into consideration his/her best interest. Therefore, objections of the child to be returned may be taken into consideration by the court but, legally, the court is not compelled to take into

account of his/her views. In practice, the objection of the child can contribute to justify a refusal to order the return if, as provided in the law and/or in the Convention, it helps to demonstrate the legal admissible grounds to refuse it. The judge is free to adopt the most convenient and befitting solution for each case according to the law.

- 10. How has Article 20 of the Convention been applied in your State? Are you aware of an increase in the use of this Article, bearing in mind that the Statistical Survey of all cases in 1999 found no case in which this exception to return was successfully invoked?**

So far, Article 20 has never been invoked.

Legal issues and interpretation of key concepts

- 11. Please comment on any Constitutional procedures or principles which make it difficult to implement the Hague Convention fully.**

Until now, no problem in this regard was encountered.

- 12. Are there any important developments in legislation, case law or procedural law relevant to the operation of the 1980 Convention to which you wish to draw attention? Please could you provide us with an electronic copy of relevant legislation if possible?**

At the moment, there are no relevant developments. Please be informed that the mentioned Decree-law 65/99/M is currently under revision, the better implementation of the Hague Convention (as well as other Hague Conventions on children) being one of the reasons.

The relevant information, such as the Civil Code, Civil Procedure Code and Decree-law 65/99/M, can be found on the following website: www.imprensa.macao.gov.mo, in Chinese and Portuguese.

- 13. Please indicate any important developments since the Special Commission of 2001 in your jurisdiction in the interpretation of Convention concepts, in particular the following:**

- a) rights of custody (Articles 3 a) and 5 a));
- b) habitual residence (Articles 3 a) and 4);
- c) rights of access (Article 5 b));
- d) the actual exercise of rights of custody (Articles 3 b) and 13(1) a));
- e) the settlement of the child in his / her new environment (Article 12(2));

- f) the one year period for the purposes of Article 12;
- g) consent or acquiescence to the removal or retention of the child (Article 13(1) a));
- h) grave risk (Article 13(1) b));
- i) exposure to physical or psychological harm (Article 13(1) b));
- j) intolerable situation (Article 13(1) b));
- k) the child objects to being returned (Article 13(2)); (see also question 9)
- l) fundamental principles relating to the protection of human rights and fundamental freedoms (Article 20). (See also question 10)

There is no relevant development.

Direct international judicial communication

14. Please describe any developments in the area of direct international judicial communication. If your country has responded to the 2002 Questionnaire on direct international judicial communication please describe any developments in this area since your response was made. (The Questionnaire is available on the website of the Hague Conference at: <www.hcch.net> Child Abduction Section Questionnaire & Responses).

The MSAR answered to the 2002 Questionnaire and there is no further development.

Immigration / asylum / refugee matters

15. Have you any experience of cases in which immigration/visa questions have arisen as to the rights 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?

There is one case, which is not yet resolved.

16. Have you any experience of cases involving links between asylum or refugee applications and the 1980 Convention? In particular, please comment on any cases in which the respondent in proceedings for the return of a child has applied for asylum or refugee status (including for the child) in the country in which the application for return is to be considered. How have such cases been resolved?

Until now, there are no such cases.

17. Have you any experience of cases in which immigration/visa questions have affected a finding of habitual residence in the State from which the child was removed or retained?

No.

18. Have you any experience of cases in which immigration/visa questions have inhibited the exercise of rights of access?

No.

Criminal proceedings

19. 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.

No available data.

Mediation

20. Are there any programmes of mediation available in your State for parents or other persons involved in Hague Convention cases? Please describe these, indicating *inter alia* the methods employed to ensure that mediated agreements are enforceable and respected by the parties, as well as the availability of, and training opportunities for, international mediators.

No. At the moment there are no programmes of mediation as it is understood differently from conciliation. Though, as referred above, within minors' jurisdiction, conciliation is constructed in the interest of the minor and in a very ample manner as a legal power/duty of both non-judicial and judicial authorities.

21. How do you ensure that mediation procedures do not unduly delay proceedings for the return of the child?

No available data.

22. Do you have any other comments relating to mediation in the context of the 1980 Convention either at a preventive stage or when a removal or retention has occurred?

N/A.

Training and education

23. Do you have any comments relating to how judicial (or other) seminars or conferences at the national, regional and international levels have supported the effective functioning of the Convention? In particular, how have the conclusions and recommendations of these seminars or conferences, (some of which are available on the website of the Hague Conference at: <www.hcch.net> Child Abduction Section), had an impact on the functioning of the 1980 Convention?

No available data.

24. Can you give details of any training sessions/conferences organised in your country, and the influence that such sessions have had?

Despite efforts to organize more specific training within the context of the Convention (targeting all legal professions), it was only possible to arrange seminars on children issues for lawyers of the Public Administration and general training sessions for the MSAR Central Authority related personnel on subjects such as child protection and awareness on children welfare. The referred actions are part of a program of systematic training for civil servants and it is not yet possible to evaluate their influence.

Ensuring the safe return of children where issues such as domestic violence and abuse are raised

25. Is the issue of domestic violence or abuse often raised as an exception to return in child abduction cases? What is the general approach of your courts to such cases and, in particular, how far do they investigate the merits of a claim that such violence or abuse has occurred?

There is so far no such case.

26. What procedures and measures are in place in your State to secure the safe return of the child (and the accompanying parent, where relevant) where issues of (alleged) domestic violence or abuse are raised?

Although there is no specific measure or mechanism, the MSAR Central Authority can make arrangements, on a case-by-case basis, with other MSAR authorities in order to ensure that the child receives appropriate protection. As referred, one of its aims is to protect families and/or people at risk, who, whenever necessary, can request for any kind of help, including that of police protection. It

may also request the relevant Central Authority of the State of return for information of the alleged abuses.

Moreover, as previously mentioned, the court is free to investigate on its own initiative the facts and to refuse any evidence requested by the applicant or the defendant and decide upon them, according to its prudent belief, always taking into account the best interest of the child.

27. To what extent are your courts entitled and prepared to employ "undertakings" (i.e. promises offered by, or required of the applicant) as a means of overcoming obstacles to the safe return of the child? Please describe the subject matter of undertakings required/requested.

The subject matter of undertakings can be of any kind, provided that the interest of the child is guaranteed. The undertakings employed by the courts are limited to the scope of the protection of the child and are only used as a tool to facilitate arrangements for his/her return on a case-by-case basis.

The parties are allowed to submit to the court any proposal agreed upon as a means of overcoming obstacles to the prompt return of the child. The undertakings may be raised at any stage of the proceedings but, when a hearing for discussion and trial takes place, the judge must, specifically, look for conciliation. When looking for conciliation, the judge is free to suggest any undertakings that might help overcome obstacles as to the prompt return of the child. For the same purpose, undertakings may be required of the applicant.

In order to ensure that undertakings attached to a return order (and homologated by the court) are respected, the MSAR Central Authority can follow up the case.

28. 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 between the parties and those made at the request of the court?

Undertakings incorporated in a foreign judicial return order cannot be enforced as such, since, as foreign judicial decisions, they require recognition. For the same reason, the MSA courts cannot assist in the implementation of such undertakings.

Internally, there is no distinction between undertakings by agreement between the parties and those made at the request of the court, since undertakings by agreement between the parties are subject to judicial homologation. Both have the same legal force of a judicial decision.

29. To what extent are your courts entitled or 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)?

The MSAR courts may, without particular restraints, seek, require or grant safe harbour orders or mirror orders to overcome obstacles to the prompt return of a child. However, in practice, the courts do not have the means to enforce the orders in the country to which the child is to be returned.

30. Do you have any other comments on the use of undertakings, mirror orders or safe harbour orders?

No.

31. Do you have any other comments relating to domestic violence or abuse in the context of the 1980 Convention?

No.

32. Are you aware of cases in which your authorities have refused to make or enforce an order in respect of a young child on the basis that an abducting parent who is the child's primary carer, refuses or is otherwise not in a position to return with the child?

No.

Standard questionnaire for newly acceding States

33. If your State has acceded to the Convention have you filled out the standard questionnaire for newly acceding States? If so, have you any comments about the ease or otherwise of filling out this questionnaire? If not, can you explain why?

N/A.

34. Has your State found the responses to the standard questionnaire for newly acceding States (available on the website of the Hague Conference at: <www.hcch.net> → Child Abduction → Section Standard questionnaire for newly acceding States) useful when considering whether or not to accept the accession of an acceding State? What additional information would be useful?

N/A.

35. 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 Convention obligations, and how do you ensure that this process does not result in undue delays?

N/A.

The Guide to Good Practice

36. In what ways have you used the Guide to Good Practice – Part I on Central Authority Practice, Part II on Implementing Measures and Part III on Preventive Measures to assist in implementing for the first time, or improving the implementation or operation of, the Convention in your State?

The Guide to Good Practice – Part I on Central Authority Practice, Part II on Implementing Measures and Part III on Preventive Measures is a useful tool, reference and learning aids as regards the implementation of the Convention.

37. How has the Guide to Good Practice assisted your State in making policy or practical decisions relating to the implementation or operation of the Convention?

The MSAR Government is now in the process of reviewing child protection laws for amendments; therefore, the Guide to Good Practice is indeed a valuable resource and reference.

38. How have you ensured that relevant authorities in your State have been made aware of, and have had access to, the Guide to Good Practice?

The relevant MSAR authorities such as the Procuratorate, the Court and, naturally, the MSAR Central Authority are aware of such Guide.

Moreover, the MSAR Central Authority is widely disseminating the Guide by consulting relevant authorities during the process of reviewing the law and by setting up special cross-department committees to carry out the necessary work.

On the other hand, as mentioned before, the MSAR Central authority website is going to be improved in order to include information on child abduction, such as the Guide to Good Practice.

39. Do you have any comments concerning the Guide to Good Practice – Part III on Preventive Measures including how best to publicise this Part of the Guide?

Disseminations of the Guide to Good Practice – Part III on Preventive Measures will be more effective if it is uploaded on the web in more languages, such as Chinese, and if it is disseminated in those languages in the form of brochures.

40. Please describe any developments in legislation, case law or practice relating to enforcement measures and transfrontier access / contact. If your country has responded to the questionnaire on Enforcement Measures distributed in July 2004 or the Consultation Paper on Transfrontier Access / Contact distributed in January 2002 please describe any developments in legislation, case law or practice since your response was made. (The Questionnaire and Consultation Paper are available on the website of the Hague Conference at: <www.hcch.net> → Child Abduction Section → Questionnaire & Responses).

No development to point out.

41. Are there any particular matters which you would like to see included in a Guide to Good Practice on Transfrontier Access / Contact? (See “Transfrontier Access / Contact and the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction – Final Report” drawn up by William Duncan, Deputy Secretary General, Preliminary Document No 5 of July 2002 available at: <www.hcch.net> → Conventions → Convention 28 → Practical Operation Documents.)

At present, there is no particular matter to point out.

42. Are there any other topics that you would like to see form the basis of future parts of the Guide to Good Practice in addition to those which are already published or are under consideration (these are: Part I on Central Authority Practice; Part II on Implementing Measures; Part III on Preventive Measures as well as enforcement measures and access / contact)?

At present, there is no particular topic to point out.

43. Do you have any other comments about any Part of the Guide to Good Practice?

No. The MSAR has no considerable experience in the field.

44. Can you list any examples of good practice not included in the Guides?

No. Please refer to the previous response.

Standardised consent form

45. The Permanent Bureau is consulting with States and relevant authorities with regard to developing a standardised or harmonised form for obtaining consent from holders of parental responsibility when a child leaves a State (see the Guide to Good Practice – Part III on Preventive Measures). Do you have any comments about the development of such a form? Or any suggestions as to what information such a form should/should not include?

The development of a standardised/harmonised non-mandatory form for obtaining consent from holders of parental responsibility when a child leaves a State would be a useful tool to protect the child who is unlawfully removed from the State without consent and would also allow the competent authorities to centralise all the relevant information as regards the child and the guardian.

No comment on the content of the form at this moment. However, as, in the MSAR, decisions on the exercise of parental power are object of compulsive registry, if the content of the form would concur with the registry information, it would be possible/easier for the MSAR Central Authority to work with and verify the necessary data.

Statistics and case management

46. Does your Central Authority maintain accurate statistics concerning the cases it deals with under the Convention, and does it submit annual returns of statistics to the Permanent Bureau in accordance with the forms established by the Permanent Bureau in consultation with Central Authorities? If not, please explain why.

The MSAR maintains up-to-date statistics. However, due to the insignificant number of cases - only 4 since 1999 - the MSAR did not submit any statistics. Nevertheless, it is possible to provide them to the Permanent Bureau in the future.

47. Does your Central Authority use any special software for case management / statistical purposes? Would your Central Authority be interested in using the new iChild software which is currently being piloted in seven Central Authorities in six Contracting States?

Taking into account of the preceding answer, it does not seem justifiable the use of such software at present. However, it is something to be considered in the future.

Publicity/ debate concerning the Convention

48. Has the Convention given rise to (a) any publicity (positive or negative) in your country, or (b) any debate or discussion in your national Parliament or its equivalent?

The MSAR Legislative Assembly (LA) has been dedicating its attention to many issues concerning the rights of the child under several aspects, namely on a political approach and with a legislative stance. Resolution 13/98/M of the LA, approved on 7 August 1998, expressed formally its favourable opinion to the extension to Macao of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. Prior to the approval of the above-mentioned resolution, a specialised committee of the LA also approved its favourable opinion and stressed that Macao was in a condition to provide good examples in the subject matter at the legislative, judicial and political level. The issues raised by the Convention were thus debated both at the committee and plenary level.

It is relevant to remind that the LA is continuously dedicating efforts to the publicity and popularisation of fundamental rights, including obviously the rights of the child, as can be seen by the publication of several volumes on fundamental rights that include the laws, bills, plenary debates, legal opinions issued by specialised committee as well as other relevant elements. Included in those publications is, just to mention one example, the volume concerning the Law on Basic Principles on Family Policies where several general norms on the rights of the child are included.

49. Is the Convention having any negative effects which are causing concern?

No.

50. By what methods do you disseminate information about the Convention?

Dissemination of information concerning the rights of the child has been widely promoted through several means, such as associations and the *mass media*. Notwithstanding the fact that these activities are not specifically aimed at the direct dissemination of information regarding the Hague Convention, they cover most of its contents. Within this scope, information on matters such as the legal provisions on parental responsibility, the exercise of parental responsibility after

divorce, custody rights, visitation rights, as well as the provisions of the Child Educational and Social Protection Regime was divulged through newspapers, television programs, pamphlets and brochures and the organisation of bazaars.

51. Could you provide a list (including contact details and web site addresses) of non-governmental organisations in your State which are involved in matters covered by the 1980 and/or 1996 Conventions?

Not at the moment. The MSAR Central Authority works in partnership with several associations related to family interests and institutions of social solidarity, but those institutions are not specifically involved in matters covered by the 1980 Convention.

Services provided by the Permanent Bureau

52. Please comment on and state your reflections on services provided by the Permanent Bureau to assist the implementation and operation of the Convention, such as:

- a) INCADAT;
- b) the Judges' Newsletter on International Child Protection;
- c) the bibliography of the Convention;
- d) the Child Abduction Section on the website of the Hague Conference;
- e) INCASTAT (the database for the electronic collection and analysis of statistics on the Convention, which is currently being developed);
- f) iChild (the electronic case management system designed by the Canadian software company WorldReach, which is currently being piloted by seven Central Authorities in six Contracting States).
- g) support for national / international judicial (and other) seminars / conferences concerning the Convention;
- h) support for communications among Central Authorities, including maintenance of updated contact details.

It is only fair to highlight the important and valuable contributions of the Permanent Bureau in what concerns the assistance to the implementation and operation of the Convention. Specifically regarding the above-mentioned a) to d) items, it should be stressed that in practice they proved to be very helpful, if not indispensable, tools.

53. Have you any comments or suggestions concerning the activities in which the Permanent Bureau engages to assist in the effective functioning of the Convention?

Yes, it is believed that a regional conference on the practical aspects of the Convention as well as specialised training concerning the implementation of the Convention should be considered.

Compliance with the Convention

54. Are there any Contracting States with whom you are having particular difficulties in achieving successful co-operation? Please specify these difficulties.

No.

55. Are you aware of situations/circumstances in which there has been avoidance/evasion of the Convention?

No.

Non-Convention cases and non-Convention States

56. Are you aware of any troubling cases of international abduction which fall outside the scope of the Convention?

No.

57. Are there any States that you would particularly like to see become a State Party to the Convention? Are there any States (which are not Parties to the Convention or Members of the Hague Conference) that you would like to see invited to the Special Commission meeting in October / November 2006. Would you be willing to contribute to a fund to enable certain developing States to attend?

N/A.

58. Do you have any comments on bilateral or other agreements between your State and a non-Contracting State?

No.

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59. What additional information would you find useful on the non-Hague Convention page of INCADAT available at <www.incadat.com>.

No.

Relationship with other instruments

60. Do you have any comments or observations on the impact of regional instruments on the operation of the 1980 Hague Convention, for example, Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 and the 1989 Inter-American Convention on the International Return of Children

No.

61. Do you have any comments or observations on the impact of international instruments on the operation of the 1980 Hague Convention, in particular, the 1989 United Nations Convention on the Rights of the Child?

The two international instruments complement each other as regards the protection of the rights of the child, which is one of the aims of the MSAR Basic Law, which expressly determines that children are to be taken care of and protected by the Region.

The Hague Convention of 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children

62. If the 1996 Hague Convention is in force in your State, do you have any comments regarding (a) how it has been implemented; (b) how it is operating?

N/A

63. If the 1996 Hague Convention is not in force in your State, is your State considering implementing this Convention? What are viewed as (a) the main advantages and (b) the main difficulties in implementing this Convention?

N/A

64. Have you experienced any difficulties concerning interpretation of particular provisions?

N/A

65. Would you find a Guide to Good Practice on implementation of this Convention useful?

N/A

66. The Special Commission of 2001 recognised the potential advantages of the 1996 Hague Convention as an adjunct to the 1980 Hague Convention, and recommended that Contracting States should consider ratification or accession. How has your State responded to this recommendation?

N/A.

Any other matters and recommendations

67. States are invited to comment on any other matters which they may wish to raise concerning the practical operation of the 1980 Convention or the implementation of the 1996 Convention.

N/A.

68. States are invited to make proposals concerning recommendations to be made by the Special Commission.

N/A.