

BOSNIA AND HERZEGOVINA

The applications

1. The number of applications

According to the Central Authority for Bosnia and Herzegovina, they received 3 incoming return but no incoming access applications in 1999. They made no outgoing return or access applications in that year.

2. The Contracting States which made the applications

Two applications came from Germany and the other from Sweden.

The taking person

3. The gender of the taking person

All taking persons involved in applications to Bosnia and Herzegovina were male. This goes against the global norm where 69% were female, but as there were only 3 applications it is difficult to draw any meaningful conclusions from this. Hong Kong (where there were 4 cases), was the only other State in this analysis where all of the taking persons were male. Conversely, in applications to Iceland (where there were 4 cases) and Hungary (where there were 8 cases), all taking persons were female.

4. The nationality of the taking person

Interestingly, all the taking persons were nationals of Bosnia and Herzegovina. Globally, 52% of taking persons had the nationality of the requested State.

5. The gender and nationality of the taking person combined.

While there was a small number of applications, it is interesting that the profile of the taking persons, in applications to Bosnia and Herzegovina, differs from the global norm. In applications to Bosnia all the taking persons were male and had Bosnian nationality. Globally, taking persons were more likely to be female and only marginally more likely to have the same nationality as the requested State. It is interesting that all taking persons in the 8 applications to Hungary were female and all were Hungarian nationals.

The children

6. The total number of children

There were 3 children involved in the 3 incoming return applications to Bosnia and Herzegovina. Therefore, each application involved a single child. Interestingly, all 4 applications to Hong Kong, the other Contracting State where all of the taking persons were male, were also made in respect of single children.

7. The age of the children

Two of the children were aged between 0 and 4 years and the other child was aged between 10 and 16 years. Globally, 42% of children were aged between 5

and 9 years, yet there were no children in this category in applications to Bosnia and Herzegovina.

8. The gender of the children

1 male and 2 female children were involved in the applications.

The outcomes

9. Overall outcomes

There was one voluntary return and two judicial refusals. As there were only three applications it is difficult to draw conclusions from these figures.

10. The reasons for judicial refusals

Both applications were refused on the basis of two reasons. One application was refused because of Article 13 b and also the objections of a 13 – 16 year old child; the other on the basis of Article 13 a consent and the objections of a child under the age of 5. Despite the low number of applications, the proportion of judicial refusals and the fact that the objections of a child under the age of 5 were considered, may give pause for thought. Spain was the only other Contracting State in this analysis which refused an application partly on the basis of the objections of a child who was under 7 years old.

Speed

11. The time between application and outcome

All applications to Bosnia and Herzegovina were resolved quickly. No application was appealed. The voluntary return was affected within 12 days and the 2 judicial refusals were heard in 22 and 23 days respectively. All 3 applications were therefore resolved in just over three-weeks.