

STANDING OPERATING PROCEDURES WITH REGARD TO HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION, 1980

Introduction:

These Standard operating procedures (Sop's) shall specifically apply to the cases received from the Foreign Countries where the Child has been wrongly removed and brought to the Pakistan. Such cases are processed and disposed off under Hague Convention, 1980, inserted in the schedule to the Family Court Act, 1964. In such a case, the foreign central authority may request the Central Authority in Pakistan for taking appropriate measures to secure the implementation of objects of the Convention.

A. Function of the Central Authority:

In pursuance of Article 7 of the Convention, the Central Authority will perform the following duties:-

- Ø To conduct a review whether the request for child abduction falls within the preview of the Convention; this will be conducted by examining and assessing the documents received from the Foreign Central Authority or left behind parent.
- Ø To request NADRA or concerned agencies, to find out the child's particulars, whereabouts and parentage, if the child's actual residence in Pakistan is not known.
- Ø To refer the request to the concerned Provincial Authorities for taking further necessary action.
- Ø To make a reference to the Foreign Central Authority or requesting parent for engagement of a specialized lawyer, if needed;
- Ø To keep the Foreign Central Authority/ left behind parent inform about the progress of the case.

B. Procedure for filing Applications for return of abducted Child:

Detailed procedure for filing application is prescribed as follow;

- The Foreign Central Authority (requesting state) shall make a request through the Application Form designed for this purpose available on Ministry of Law and Justice's Website. The application form available on HCCH website will also be accepted.
- In case a request is moved/ made by the left behind parent, through hard and soft copy such request will be sent to the Central Authority

(CA) concerned for its authentication.

- The request will be sent to the Ministry of Interior/ immigration department/NADRA to verify the data i.e. arrival and location of the child, his age determination, through NADRA as well as other concerned department, for Registration and authentication.
- If the matter goes to the court the Central Authority will require a written authorization/empowering or a designated representative (e.g, lawyer) to act on behalf of the applicant.
- Where information provided is incomplete, the Central Authority shall immediately inform the requesting Central Authority accordingly and ask for required documents to complete the request. A request will be processed further if all necessary documents are provided.
- If the child is located, the Central Authority will inform the parent about the child voluntarily in compliance with the Convention. The Central Authority shall forward the request to the Provincial Central Authority (PCA) concerned or Ministry of Interior/ Islamabad Capital Territory (ICT) as the case may be for taking further necessary action.

Legal representation and assistance:

- Pakistan has made following reservations to Article 26 and 42 of the Convention.
- The Central Authority will not provide legal advice on the requests.
- Legal representation if required in return proceedings, the Central Authority shall arrange legal representation by lawyers subject to payment of charges by the applicant or requesting Authority.
- The requesting State or applicant has to pay the charges for Legal assistance, covers the following costs;
 - Translation
 - Interpreters;
 - Service of documents;
 - Costs associated with locating the child;
 - Court fees.
 - Travel charges

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