

20 April 2023

Section (9)(2)(a)

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Our ref: OIA 103197

Tēnā koe Section (9)(2)(a)

Official Information Act request: Hague Convention Statistics

Thank you for your email of 10 March 2023, requesting under the Official Information Act 1982 (the Act), statistics on Hague Convention cases. Specifically, you requested:

1. *How many Hague Convention cases have there been in New Zealand from 2002-2022*
2. *Which countries filed Hague applications for children/a child to be returned*
3. *How many cases in the last 20 years used Article 13b as a defence here in New Zealand e.g., the respondent used this defence*

Your request has been referred to me for response, as it falls within my responsibilities as Manager, Central Authority, Ministry of Justice, and is being managed in accordance with the provisions of the Act.

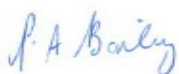
We are unable to provide data on Hague Convention cases earlier than 2010. Therefore, I am refusing this part of your request under section 8(f) on the grounds that the information would require substantial collation and research. Therefore, we have provided answers to your request with data beginning 2010 and ending 2022.

Please refer to appendix 1 below for the data relevant to your request, numbered accordingly to each question.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



Patricia Bailey
Manager, Central Authority

Appendix 1

1. Overall Outcomes

Incoming Return Applications

These cases are about children brought to or retained in New Zealand and are decided by the Family Court in New Zealand

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Voluntary Return	5	5	6	6	5	4	5	8	2	1	3	1	1
By Consent Orders Made	9	8	6	9	6	14	12	9	9	8	7	5	7
Judicial Order for Return	11	1	9	6	11	10	12	11	13	9	8	12	6
Judicial Refusal	3	3	5	5	7	5	2	7	3	4	3	2	4
Withdrawn/Discontinued	1	4	6	7	6	2	1	2	7	6	5	0	3
Pending	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	29	31	32	33	37	35	32	40	34	28	27	20	21

*It is important to note that applications may be withdrawn as agreement is reached and/or parenting orders made.

2. Overall Outcomes

Incoming Return Applications

These cases are about children brought to or retained in New Zealand and are decided by the Family Court in New Zealand

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Australia	22	20	26	22	28	21	25	31	27	22	19	16	16
UK	2	4	3	3	3	0	3	1	3	1	2	3	2
EU	3	3	2	0	4	3	0	1	0	1	1	1	2
Other	2	4	1	8	2	11	4	7	4	4	5	0	1
Total	29	31	32	33	37	35	32	40	34	28	27	20	21

*It is important to note that applications may be withdrawn as agreement is reached and/or parenting orders made.

3. Overall Outcomes

Incoming Return Applications

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Multiple exceptions raised (usually three or more exceptions raised.)	8 (8)	6(3)	8(6)	5(3)	14(10)	6(3)	8(8)	8(6)	8(6)	5(5)	8(6)	9(6)	6(5)
Grave Risk Intolerable Situation	1	1		1	3	2	1	4	1	1		2	1
Child Objection	2	1	1	1				2	1				
Acquiescence/ Consent	1	5	2	1	1	3		1	1	2	1		1
No Rights of custody			1		1								
Habitual Residence				1	1				3	2	1		
Settled		1				3						1	
Not known	2		2	2		4	2	5	5	3	1	2	2
Total	14	14	14	11	20	15	14	20	16	13	11	14	10

*Multiple exceptions raised: brackets denotes the number where one of the exceptions raised was grave risk