

8 August 2023

Section 9(2)(a)
Section 9(2)(a)

Our ref: OIA 106127

Tēnā koe Section 9(2)(a)

Official Information Act request: Hague Convention statistics

Thank you for your email of 13 July 2023, requesting, under the Official Information Act 1982 (the Act), information regarding the Hague Convention. Specifically, you requested:

I would like a list of all cases both incoming and outgoing for New Zealand under the Hague Convention on the Civil Aspects of Child Abduction that the MOJ/Central Authority holds. Additionally, I would all of the statistics the MOJ holds on Hague Convention cases i.e applications/cases both incoming and outgoing since 2010. Any demographic or geographical data in relation to NZ Hague Convention data would be amazing too, if possible.

On 21 July 2023, the Ministry contacted you to clarify your request. You confirmed that your request could be clarified to the following:

Are you able to provide a list of the names of these cases over the last 10 years as well? E.g. X v Y [20XX]? May I please have the statistics on:

- how many outgoing and incoming cases have been filed, and the respective contracting states?;*
- what registry of the Family Court/High Court were the proceedings filed with?*
- any statistics on what ground(s) for refusal under s 106 COCA was raised in cases where an order to refuse the return of a child was sought?*
- any demographic statistics on the child(ren) and adults concerned in these cases, e.g. ethnicity and citizenship.*

In response to the first part of your request, please see the data tables below which detail the information about the number of incoming and outgoing applications received, and the geographical regions involved.

As previously advised to you on 25 July 2023, we cannot provide the names of the cases as that would be a breach in individual's privacy and would constitute a contempt of court. Therefore, this part of your request is refused under sections 9(2)(a) and 18(c)(ii) of the Act.

In accordance with section 9(1) of the Act, I have considered the public interest in making available the information being withheld and determined that it does not outweigh the need to withhold the information at this time.

In response to the registry of the family court/high court proceedings were filed with, all Hague Convention cases that come before the New Zealand court are filed in the Family Court. Other states may have a different process as each state implements the Convention in accordance with their domestic law. Therefore, there may be procedural differences between states and which court applications are filed.

In response to any statistics on what ground(s) for refusal under section 106 of the Care of Children Act 2004 were raised, data table 2 sets out the exceptions relied for incoming cases.

In response to demographic statistics, data table 5 includes the ethnicity of the applicant and respondent, if known, and role as carer of the child/ren concerned.

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 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



Wayne Newall
Manager, Appointments and Specialist Functions

Table 1 - New Zealand - Overall Outcomes – Incoming return applications

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

| | 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 |

Table 2 - Incoming cases: Exceptions relied on

| Exception Relied on | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|---------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Multiple | 11 | 9 | 11 | 6 | 19 | 8 | 14 | 10 | 9 | 8 | 14 | 10 |
| Grave Risk | 2 | 1 | 2 | 6 | 4 | 7 | 3 | 5 | 2 | 1 | 1 | 2 |
| Child Objection | 2 | 1 | 1 | 4 | | 2 | | 3 | 2 | | | |
| Habitual residence | | | | 1 | 1 | | | | 3 | 3 | 1 | 1 |
| Settled | | 1 | | | | 4 | 4 | | | | | |
| Consent | | | | 2 | | | | | 2 | | | |

| | | | | | | | | | | | | |
|-----------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Acquiescence | 5 | | 4 | | 1 | | | 1 | | 2 | 1 | |
| No rights of custody | | | 1 | | 1 | | | | | | | |
| Fundamental Principles | | | | | | 1 | | | | | | |
| Not applicable or not known | 9 | 19 | 13 | 14 | 9 | 13 | 13 | 21 | 16 | 11 | 13 | 7 |
| Total | 27 | 31 | 32 | 33 | 37 | 35 | 32 | 40 | 34 | 25 | 27 | 20 |

Table 3 – Incoming return applications

| | 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 |
| 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 are made.*

Table 4 – Outgoing return applications

These cases are about children removed from New Zealand or retained in another contracting state/country:

| | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|-----------|------|------|------|------|------|------|------|------|------|------|------|------|
| Australia | 39 | 60 | 47 | 45 | 21 | 36 | 35 | 32 | 30 | 16 | 9 | 17 |
| UK | 11 | 12 | 5 | 1 | 2 | 7 | 6 | 7 | 6 | 4 | 6 | 5 |
| EU | 4 | 2 | 4 | 4 | 3 | 3 | 2 | 4 | 4 | 4 | 0 | 2 |
| Other | 2 | 7 | 11 | 7 | 3 | 8 | 5 | 11 | 7 | 5 | 3 | 8 |
| Total | 56 | 81 | 67 | 57 | 29 | 54 | 48 | 54 | 47 | 29 | 18 | 32 |

Table 5 – Incoming applications: ethnicity and carer role

| 2018 | | 2019 | | 2020 | | 2021 | | 2022 | |
|---------------------------|---------------------|---------------------|---------------------|---------------|--------------|----------------------|------------|------------------|-------------------|
| Applicant | Respondent | Applicant | Respondent | Applicant | Respondent | Applicant | Respondent | Applicant | Respondent |
| Aus/Joint | NZ /Joint | AU/NPC | NZ/PC | Aus/PC | NZ/NPC | NZ/Can/ NPC | NZ/PC | USA/ PC | USA/NPC |
| Singapore NPC | Aus/RSA PC | NZ PC | NZ | Aus/PC | Aus/NPC | AU/Joint | NZ/Joint | Australian | NZ |
| NZ | Australian | Aus/NPC | NZ/PC | Aus/NPC | Aus/PC | Thai/PC | Thai/NPC | AU/ Joint | AU/UK, Joint |
| NZ /NPC | NZ /PC | Aus/Joint | NZ/ Joint | NZ/PC | NZ/NPC | NZ/NPC | NZ//PC | NZ Joint | NZ Joint |
| AU | NZ | NZ PC | NZ NPC | AU/NPC | NZ/Primary | AU / NPC | NZ/PC | AU/ Joint | AU |
| AU/NPC | AU, NZ/ Primary | NZ/Au | NZ | Chlie NPC | Chile, PC | NZ/NPC | NZ/PC | UK NPC | NZ/AU PC |
| AU /NPC | NZ /PC | AU/NPC | AU/PC | AU/NPC | NZ/PC | NZ/PC | NZ/NPC | AU PC | NZ/AU NPC |
| Canadian / Joint | Canadian/Joint | UK/ PC | NZ/PC | AU/JPC | NZ/JPC | NZ/PC | NZ/PC | Australian | Australian |
| NZ/ Primary | NZ/NPC | NZ/Joint | NZ/Joint | Mother/PC | Uncle/ NPC | NZ/NPC | NZ/PC | AU/ NPC | NZ/PC |
| New Zealand/Primary Carer | New Zealand/ NPC | South African/Joint | South African/Joint | NZ/Joint | NZ/Joint | Philippine/ Joint | NZ/ Joint | NZ/PC | Canada/NZ/ NPC |
| Australian/ Primary | NZ/ NPC | NZ/Joint | British/Joint | AU/ NPC | NZ/ NPC | Spain/NPC | NZ/ PC | French/ Joint | UK/Joint |
| Australian/ Joint | NZ/Joint | NZ/Joint | NZ/Joint | German/ Joint | German/Joint | NZ/PC | NZ/NPC | NZ | NZ |
| NZ/ AU | NZ/AU | Aus/NZ/Joint | Aus/NZ/Joint | NZ/Joint | NZ/Joint | AU/NPC | | NZ | NZ |
| NZ/AU | NZ/AU | Scot/Joint | Scot/Joint | Mother/ PC | NPC | AU/Joint | NZ/Joint | NZ | NZ |
| UK/AU NPC | NZ PC | NZ/Aus PC | NZ NPC | NZ/Aus NPC | NZ/PC | NZ/PC | NZ/NPC | NZ/PC | NZ/NPC |

| | | | | | | | | | |
|----------------|------------------|---------------|---------------|---------------|----------------|---------------|----------|-----------|-----------|
| AU/ NPC | NZ/ Primary | AU/ NPC | NZ, PC | Aus/Joint | NZ/Joint | French/ Joint | NZ/Joint | AU/PC | NZ/NPC |
| British | British | NZ/Joint | NZ/Joint | Aus/PC | NZ/ NPC | NZ/NCP | NZ/CP | NZ/Samoan | NZ/Samoan |
| Canadian | NZ/Canadian | Fiji/PC | Fiji/NPC | Aus/NPC | NZ/PC | Belgium/Joint | NZ/Joint | NZ | Germany |
| NZ, NPC | NZ, PC | Aus PC | NZ NPC | NZ/PC | Australian/NPC | NZ/NPC | NZ/Joint | German | Germany |
| UK/ Joint | UK/ Joint | NZ/JPC | NZ/JPC | Aus/Joint | UK/Joint | NZ/NPC | NZ/ PC | NZ | NZ/Chile |
| Thai/Aus PC | NZ NPC | AU/Joint PC | AU/Joint PC | Aus/PC | NZ/NPC | Congo/Joint | NZ/Joint | NZ/NPC | NZ/PC |
| NZ/NPC | North Ireland/PC | AU, Joint | Iran/NZ Joint | Canada/Joint | Canadian/Joint | UK/PC | UK/NPC | | |
| Aus/NCP | NZ/PC | AU/PC | AU/NPC | Eng/NPC | Eng/PC | AU/Joint | NZ/Joint | | |
| NZ/NCP | NZ /PC | AU/ Joint | NZ/AU Joint | AU/Joint | NZ/Joint | | | | |
| AU Joint | NZ Joint | German/ Joint | German/ Joint | AU/NPC | NZ/PC | | | | |
| NZ /NPC | NZ /PC | AU/NPC | NZ/PC | Canada/ Joint | NZ/Joint | | | | |
| Aus/Joint | NZ Joint | Russia/ NPC | Russia/PC | UK//PC | KK NZ/NP | | | | |
| NZ/Cook Island | NZ | NZ/AUS Joint | NZ/AUS Joint | Canada/ Joint | NZ/Joint | | | | |
| NZ /NPC | NZ /PC | UK NPC | UK PC | | | | | | |
| NZ | NZ | | | | | | | | |
| Aus /PC | NZ /NPC | | | | | | | | |
| Aus/PC | NZ/NPC | | | | | | | | |
| US/Joint | US/Joint | | | | | | | | |
| Aus/NCP | NZ/Aus/CP | | | | | | | | |
| UK/ PC | NZ/ NPC | | | | | | | | |

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*PC – primary carer, NPC – non primary carer

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Outgoing applications: ethnicity and carer role

| 2018 | | 2019 | | 2020 | | 2021 | | 2022 | |
|--------------------|-----------------------|---------------|---------------|-------------------|-----------------|-----------|---------------------|--------------------|---------------------|
| Applicant | Respondent | Applicant | Respondent | Applicant | Respondent | Applicant | Respondent | Applicant | Respondent |
| Congolese/Joint | Colombian/Joint | NZ/NPC | NZ/PC | NZ/joint | Aus/PC | UK/Joint | UK/ Joint | English | English |
| NZ/Samoa PC | NZ/Samoa NPC | NZ/PC | NPC | NZ/Joint | AU/Joint | NPC/NZ | PC/USA | NZ/USA | USA |
| NZ /PC | Aus/NPC | NZ/PC | NZ/NPC | Brazil/NPC | Brazil/PC | NZ/NPC | NZ/PC | Jordan/NZ NPC | Jordan/NZ PC |
| New Zealand/PC | NZ/NPC | NZ/PC | UK/NPC | NZ/JC | UK/JC | NZ/Joint | NC/Joint | Indian/NZ Joint | Ukraine/NZ Joint |
| NZ /NPC | US /PC | PC | | NZ/PCG | NZ/NPC | UK/PC | UK/PC | NZ, Joint | UK Joint |
| NZ /PC | Tongan /NPC | NZ/PC | NZ/NPC | Canadian/NPC | Chinese/PC | NZ/NPC | PC | Brazil/NZ NPC | Brazil/NZ, PC |
| NZ | AU | NZ/Joint | Italian/Joint | Great Aunt/PCG | Grandmother/NPC | NZ/NPC | Grandparents/ PC | UK/NZ | UK |
| New Zealand/NPC | Ethiopian/PC | UK/ PC | UK/NPC | English/Joint | English\Joint | NZ/JC | UK/JC | NZ | South African |
| Fiji /NPC | Fiji /PC | NZ/PC | NPC | NZ/NPC | NZ/PC | UK/Joint | UK/Joint | NZ | NZ |
| NZ /PC | Zimbabwe NPC | NZ/NPC | NZ/PC | NZ/NPC | NZ/PC | UK/Joint | UK/Joint | Korean/NZ | Korean/NZ |
| NZ /PC | NZ /NPC | NZ/ PC | Tongan/NPC | Fiji/PC | Fiji/NPC | NZ/Joint | US/Joint | NZ | NZ |
| NZ /NPC | NZ /PC | NZ/PCG | | NZ/Joint | Australia/Joint | NZ/PC | AU/NPC | NZ /NPC | Canada/NZ |
| Argentinian/ Joint | Argentinian/ Joint | Fijian/Indian | Fij an/Indian | NZ/Joint | Israel/Joint | NZ/NPC | NZ/PC | | |
| NZ/Contact | NZ/ Primary | NZ | NZ | NZ/Joint | Sweden/Joint | NZ/Joint | US/Joint | Australian | NZ |

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|--------------------------------|--------------------|-----------------------|-------------|---------------|------------|----------|---------------|-----------------|-----------|
| Joint | French / Joint/ | NZ NPC | NZ PC | Taiwan/ Joint | USA/ Joint | NZ/Joint | Irish/Joint | Egyptian/ NZ | NZ |
| Zimbabwean/NZ, Primary | Zimbabwean, NPC | Taiwanese/NZ Joint | Japan/Joint | UK/NZ | French/NZ | NZ/PC | NZ/NPC | NZ/Tongan | NZ/Tongan |
| AU, NPC | NZ PC1` | RSA/Joint | RSA/Joint | NZ/PC | NZ/NPC | NZ/Joint | Belgium/Joint | NZ | NZ |
| AU | Japan | NZ/Joint | NZ/Joint | NZ/ Joint | UK/ Joint | NZ/NPC | UK /PC | NZ/PC | AU/ NPC |
| NZ /NPC | UK /PC | NZ/NPC | Aus/PC | NZ/NPC | UK/NPC | UK/Joint | UK/Joint | NZ/NPC | NZ/PC |
| NZ, Joint | Ethiopian/Joint | NZ/Joint | NZ/Joint | Brazil/NZ | French/NZ | NZ/NPC | AU/PC | NZ/Joint | UK/Joint |
| NZ, Irish / Joint | Finnish/Joint | NZ/Joint | NZ/Joint | NZ/PC | NZ/NPC | | | AU | AU |
| South African/Dutch, NPC | Dutch, PC | NZ NPC | NZ PC | NZ/JPC | Sweden/JPC | | | Scottish | NZ |
| NZ /Joint | NZ/UK Joint | NZ Joint | NZ Joint | NZ/PC | NZ/NPC | | | NZ | NZ |
| NZ, NPC | NZ, PC | US/Joint | US/Joint | | | | | NZ | |
| Sri Lanka/Joint | Sri Lanka/Joint | NZ/Joint | NZ/Joint | | | | | | France |
| NZ/Joint | NZ/Joint | Fiji/NPC | Fiji/PC | | | | | NZ/NPC | PC |
| NZ/ Joint | AU/ Joint | NZ PC | NZ NPC | | | | | NZ | Hungary |
| NZ/ NPC | AU/ PC | Iraqi/NZ NPC | Iraqi/NZ PC | | | | | NZ | Germany |
| NZ PC | NZ NPC | NZ PC | NZ NPC | | | | | | |
| NZ/PC | US/NPC | NZPC | NPZ | | | | | | |
| NZ/ PC | NZ/NCP | NZ/PC | Ireland/NPC | | | | | | |
| NZ/ NPC | Irish/PC | NZ/NPC | AU/PC | | | | | | |

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|-------------------------|------------------------|--------------|--------------|--|--|--|--|--|--|
| NZ/PC | Niuean/Pakeha. /NPC | NZ/NPC | France/NZ/PC | | | | | | |
| NZ /PC | NZ /NPC | NZ/PC | NZ/NPC | | | | | | |
| NZ /NPC | NZ /PC | NZ/NPC | France/PC | | | | | | |
| NZ /Joint | NZ /Joint | NZ/JPC | French/JPC | | | | | | |
| NZ/ Joint | Scottish/ Joint | NZ Joint | AUS Joint | | | | | | |
| Samoaan/ Joint | USA/ Joint | NZ NPC | NZ PC | | | | | | |
| South African /Joint | South Africa/ Joint | Canada/Joint | French/Joint | | | | | | |
| NZ/Joint | Joint | NZ/NPC | NZ/PC | | | | | | |
| NZ/Joint | | | | | | | | | |
| NZ/Joint | NZ/Joint | | | | | | | | |
| NZ | Thai | | | | | | | | |
| NZ/NPC | NZ/PC | | | | | | | | |
| NZ / Joint | UK / Joint | | | | | | | | |

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