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PROJETS RELATIFS AUX CONVENTIONS SUR LES ENFANTS, LES ALIMENTS, LES ADULTES ET LA COHABITATION PROGRAMME POUR 2004-2005

Note établie par le Bureau Permanent

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PROJECTS CONCERNING THE CHILDREN'S CONVENTIONS, MAINTENANCE, ADULTS AND COHABITATION PLANNING FOR 2004-2005

Note submitted by the Permanent Bureau

Document préliminaire No 12 de février 2004
à l'intention de la Commission spéciale d'avril 2004
sur les affaires générales et la politique de la Conference

Preliminary Document No 12 of February 2004
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on General Affairs and Policy of the Conference

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PROJECTS CONCERNING THE CHILDREN'S CONVENTIONS, MAINTENANCE, ADULTS AND COHABITATION PLANNING FOR 2004-2005

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INTRODUCTION

This document summarises the programme of work in the fields of international child protection and family law in which the Permanent Bureau is currently engaged. The document, which is an updated version of a similar document presented to the Special Commission on General Affairs and Policy of the Conference last year,[1] sets out a timetable for the various projects and comments on the sources of funding for each project (cross-referenced to the Supplementary Budget for Financial Year L (1 July 2004-30 June 2005)).[2]

The mandate for the work relating to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* derives immediately from the meeting of the Special Commission to review the practical operation of the Convention of 1980 of March 2001, and the meeting of the Special Commission on the Convention of 1980 of September / October 2002.[3] As will be seen, planning for the next meeting of the Special Commission to review the practical operation of the 1980 Convention, which it is hoped will to take place towards the end of 2005, has already begun.

Various projects concerning the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* were approved by the Special Commission meeting to review the practical operation of that Convention in November 2000. Planning for the next general review of the Convention (in early 2005) is also underway.

With regard to the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*, the Permanent Bureau is considering what can be done to assist and support the many States which are now preparing for ratification of or accession to the Convention. Tentative planning has begun for a two-day Special Commission meeting to examine implementation issues, perhaps to be held immediately before or after the meeting on the 1980 Convention.

The work on development of a new global Convention on the International Recovery of Child Support and other Forms of Family Maintenance is proceeding, with the second meeting of the Special Commission due to be held in June 2004. It seems probable that a further meeting of the Special Commission will be needed in 2005, and that the Diplomatic Session would not therefore take place before the end of 2005 or beginning of 2006.

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[1] Preliminary Document No 4 of March 2003 for the attention of the Special Commission of April 2003 on General Affairs and Policy of the Conference.

[2] Preliminary Document No 16 of February 2004 for the attention of the Special Commission of April 2004 on General Affairs and Policy of the Conference. See also Preliminary Documents Nos 15A, "Restructuring the Conference's Budget; securing stable funding for the work of the Hague Conference" and 15B, "Financial Year L (1 July 2004 – 30 June 2005), Proposed Budget and Explanatory Notes", dated February 2004 for the attention of the Special Commission of April 2004 on General Affairs and Policy of the Conference.

[3] See "Conclusions and Recommendations of the Fourth Meeting of the Special Commission to Review the Operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (22-28 March 2001)" and "Report and Conclusions of the Special Commission of September-October 2002 on the Hague Child Abduction Convention".

PROJECT	TIMELINE	BUDGETARY COMMENTS
The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction		
1. Preparations for the fifth general review of the operation of the 1980 Convention	The Fifth Meeting of the Special Commission to review the practical operation of the 1980 Convention will likely take place in Autumn 2005.	General preparations for Special Commissions are funded from the regular budget of the Hague Conference, as are the Special Commissions themselves.
a) Formulate and administer questionnaire	Autumn 2004	
b) Preparation of a report / summary of questionnaire responses on the functioning of the Convention	Early 2005	
c) Preparation of a full statistical survey of 2003 abduction cases	In coordination with the University of Wales, Cardiff Law School; Autumn 2004.	*See* Supplementary Budget 2004-2005, Article 7(a). Funding also being sought from UK private Foundation.
2. The Guide to Good Practice under the 1980 Convention		Parts I and II of the Guide were supported by earmarked funding from Australia (secondment), Canada, Germany (secondment), the United Kingdom (England and Wales) and the United States, and from States which contributed generally to the Supplementary Budget.
a) Part I (Central Authority Practice) and Part II (Implementing Measures)	Parts I and II have been published, in English, French and Spanish, and distributed in December 2003.	In 2002-2003 Canada and the United States contributed specifically to this item.
b) Report on Preventive Measures	Preliminary report and questionnaire completed; consultative group established. Meeting of consultative group in Spring 2004; completion of report by end 2004.	In 2003-2004 the United States contributed specifically to this item. *See* Supplementary Budget 2004-2005, Article 10.

PROJECT	TIMELINE	BUDGETARY COMMENTS
c) Preparation of Parts of the Guide on Access / Contact, and a set of 'principles and considerations' relating to transfrontier access / contact	Work on preliminary draft continuing and establishment of a consultative group in 2004; possible meeting of consultative group Autumn 2004. Report to be completed in time for consideration by the Special Commission in Autumn 2005.	*See* Supplementary Budget 2004-2005, Article 10.
d) Preparation of Report on Enforcement of return orders / access orders	Research (including empirical research to be coordinated in collaboration with the University of Wales, Cardiff Law School) and consultation during 2004; possible meeting of consultative group 2004. Report to be completed in time for consideration by the Special Commission in Autumn 2005.	*See* Supplementary Budget 2004-2005, Article 10. Funding for the empirical research is being provided by the International Centre for Missing and Exploited Children (ICMEC).
3. Establishment of INCASTAT		The Government of Canada has been the major sponsor of this project. Support has also been given by WorldReach Software of Canada.
a) Modification of 'iChild' software for use by Central Authorities to manage cases under the 1980 Convention	Initial consultations with WorldReach Software completed; pilot project with Central Authorities completed. Preparation of a comprehensive proposal for Central Authorities in 2004.	*See* Supplementary Budget 2004-2005, Article 9.
b) Modification / supplementation of 'iChild' for use to generate statistics	Ongoing consultations with WorldReach Software and Central Authorities.	*See* Supplementary Budget 2004-2005, Article 9.

PROJECT	TIMELINE	BUDGETARY COMMENTS
c) Examination of issues (technical and cost) for the Permanent Bureau	Preliminary Report in 2004.	*See* Supplementary Budget 2004-2005, Article 9.
4. Expansion and maintenance of INCADAT		Member States which have so far specifically contributed to the development of INCADAT are Austria, Canada, China (Mainland and HKSAR), Cyprus, Finland, Korea, the Netherlands, New Zealand, Norway, Switzerland, United Kingdom (England and Wales, Northern Ireland, Scotland) and the United States. The project was initiated with support from Foundations in the Netherlands.
a) Continued expansion of the substantive legal coverage	Ongoing	*See* Supplementary Budget 2004-2005, Article 8.
b) Co-operation with INCADAT Correspondents	Ongoing	*See* Supplementary Budget 2004-2005, Article 8(f).
5. International Judicial Seminars / Conferences		Funded by participant States. *See* also Supplementary Budget 2004-2005, Article 12.
Noordwijk Seminar, sponsored by the US and Germany, with participants also from Austria, France, Israel, the Netherlands, Sweden, Switzerland and Turkey	Held 19-22 October 2003.	Financed by participating States and by funding from European Union.
Malta Conference. Attended by judges / experts from certain European States and States from within the Islamic world (Mediterranean region)	To be held in Valetta, 14-17 March 2004.	Financed by participating States with special contributions from the UK, Germany, Sweden and a private foundation in the Netherlands.
Mexico Seminar for judges from Latin American region	To be held in Monterrey, Mexico, in Autumn 2004.	Funding currently being sought.

PROJECT	TIMELINE	BUDGETARY COMMENTS
6. The Judges' Newsletter on International Child Protection		This project has been supported by Butterworths Legal Publishers, who publish and distribute the Newsletter free of charge.
a) Consultation with Editorial Board; soliciting material; writing and editing; co-ordination with publisher; maintenance of distribution list	Regular bi-annual publication: Autumn 2004, Spring 2005, Autumn 2005, Spring 2006.	*See* Supplementary Budget 2004-2005, Article 11.
b) Translation	Regular bi-annual publication: Autumn 2004, Spring 2005, Autumn 2005, Spring 2006.	In 2002-2003 and 2003-2004 Canada contributed specifically to this item. *See* Supplementary Budget 2004-2005, Article 11(a).
7. Direct Judicial Communications		
a) Formal consultations with Member States; informal consultations with interested judges, including through judicial seminars; examination of practical mechanisms and structures of a network of contact points.	Completion of the Final Report in time for consideration by the Special Commission in Autumn 2005.	*See* Supplementary Budget 2004-2005, Article 11(b).
b) Inventory of existing practices, with the advice of a consultative group of experts	2004	*See* Supplementary Budget 2004-2005, Article 11(b).
8. Programme to support effective implementation		
a) National seminars, etc Advice on organisation and scientific programme, participation	Ongoing	Funded by States concerned, Foundations, etc.

PROJECT	TIMELINE	BUDGETARY COMMENTS
The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption		
9. Preparation for the next general review of the operation of the 1993 Convention	The Second Meeting of the Special Commission to review the practical operation of the 1993 Convention will likely take place in early 2005.	General preparations for Special Commissions are funded from the regular budget of the Hague Conference, as are the Special Commissions themselves.
a) Preparation of organigram for Intercountry Adoption: consultation, completion and circulation to all Central Authorities	Draft to be circulated March / April 2004.	
b) Preparation of annual statistical forms for Intercountry Adoption: consultation, completion and circulation to all Central Authorities	Draft to be circulated March / April 2004.	
c) Formulate and administer questionnaire	To be circulated March / April 2004.	
d) Preparation of report / summary of questionnaire responses on the functioning of the Convention	Autumn 2004	
e) Fundraising for Spanish interpretation and translation of the Report and Preliminary Documents into Spanish	Immediate	*See* Supplementary Budget 2004-2005, Article 15(c) and Article 15(b) respectively.
f) Fundraising for the Special Fund to assist with travel and per diem expenses for delegates from targeted States of origin	Immediate	*See* Supplementary Budget 2004-2005, Article 15(a).

PROJECT	TIMELINE	BUDGETARY COMMENTS
g) Preparation of a Guide to Good Practice on Implementing Measures	Work on preliminary draft and establishment of a consultative group; possible meeting of consultative group Autumn 2004. Report to be completed in time for consideration by the Special Commission in early 2005.	*See* Supplementary Budget 2004-2005, Article 14. *See also* Article 16.
h) Preparation of a Guide to Good Practice on Central Authority Practice	Proposal to be put to the Second Meeting of the Special Commission.	*See* Supplementary Budget 2004-2005, Article 14. *See also* Article 15.
10. Establishment of ICASTAT	*See* INCASTAT above. *See* also 9b above.	*See* Supplementary Budget 2004-2005, Article 13.
11. Programme to support effective implementation		
a) 18-month pilot project The provision of information and support to targeted States in the first stages of implementation	Ongoing	*See* Supplementary Budget 2004-2005, Article 16.
The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children		
12. Promotion of the 1996 Convention		
a) Preparation of an explanatory / publicity document	2005	*See* Supplementary Budget 2004-2005, Article 5.
b) Organisation of meeting to discuss implementation issues	Autumn 2005 (possibly combined with the Fifth Meeting of the Special Commission to review the practical operation of the 1980 Convention).	

PROJECT	TIMELINE	BUDGETARY COMMENTS
General Information: The Hague Children's Conventions		
13. Preparation of a brochure on the Children's Conventions	2004-2005	*See* Supplementary Budget 2004-2005, Article 5.
14. Preparation of a Child's Guide to the 1980 Convention	2004-2005	*See* Supplementary Budget 2004-2005, Article 5.
15. Review of services provided by the Permanent Bureau to Central Authorities under the 1980 and 1993 Conventions	Ongoing; initial review carried out internally in 2003	
Preparation of the Global Instrument on the International Recovery of Child Support and other Forms of Family Maintenance		
16. Second Meeting of the Special Commission	7-18 June 2004	General preparations for Special Commissions are funded from the regular budget of the Hague Conference, as are the Special Commissions themselves.
a) Preparation of the Report and Preliminary Documents - Proposal of the Drafting Committee - Report of the Working Group on Applicable Law - Other reports by the Permanent Bureau	Spring 2004	
b) Fundraising for Spanish interpretation and translation of the Report and Preliminary Documents into Spanish	Immediate	In 2003-2004 the United States contributed specifically to this item. *See* Supplementary Budget 2003-2004, Article 13(c) and Article 13(b) respectively.
c) Fundraising for the Special Fund to assist with travel and *per diem* expenses for delegates from targeted States	Immediate	Denmark and Luxembourg (2002-2003); China and Sweden (2003-2004) contributed specifically to this item. *See* Supplementary Budget

		2003-2004, Article 13(a).

PROJECT	TIMELINE	BUDGETARY COMMENTS
17. Preparation of the Third Meeting of the Special Commission	Spring or Summer 2005	General preparations for Special Commissions are funded from the regular budget of the Hague Conference, as are the Special Commissions themselves. Diplomatic Sessions are supported by the Government of the Netherlands.
a) Consultation	Throughout the year	
b) Organisation of regional meetings	Throughout the year	
c) Fundraising for Spanish interpretation and translation of the Report and Preliminary Documents into Spanish	Throughout the year	*See* Supplementary Budget 2004-2005, Articles 17(c) and 17(b) respectively.
d) Fundraising for the Special Fund to assist with travel and per diem expenses for delegates from targeted States	Throughout the year	*See* Supplementary Budget 2004-2005, Article 17(a).
Other matters		
18. The Hague Convention of 13 January 2000 on the International Protection of Adults		
a) Preparation of publicity material	2005	*See* Supplementary Budget 2004-2005, Article 5.
19. The Hague International Legal Training Institute	Ongoing	*See* Supplementary Budget 2004-2005, Article 25. *See, in general*, Articles 12, 16, 19, 23 and 24.
20. Co-habitation outside marriage		
a) Updating of the document presented at the meeting of the Special Commission for General Affairs and Policy of the Conference in May 2000	To be completed for the meeting of the Special Commission on General Affairs and Policy of the Conference in Spring 2005.	

PROJECT	TIMELINE	BUDGETARY COMMENTS
21. Budgetary Matters and Fundraising	Ongoing	*See*, *in general*, Supplementary Budget 2004-2005 (Prel. Doc. No 16).

In addition to the contributions made by the Governments of **Canada, China, Cyprus, New Zealand, Sweden, the United Kingdom (England and Wales)** and **the United States of America** to specific projects in Financial Year 2003-2004, the Governments of **Australia, the Czech Republic, Finland, Japan, the Netherlands** and **Spain** contributed a monetary or contribution in-kind to the general 2003-2004 Supplementary Budget (as of 31 January 2004).

Governments that have contributed to the Supplementary Budget in previous years also include **Austria, China (Hong Kong Special Administrative Region), Croatia, Denmark, Germany, Hungary, Ireland, Italy, Korea, Luxembourg, Malta, Monaco, Norway, Switzerland, the United Kingdom (Northern Ireland and Scotland).** *See* Annex 1.

As a result of these generous contributions in Financial Year 2003-2004, it has been possible in particular:

- to maintain the services of three full time Legal Officers, in particular, for the monitoring of the three Hague Children's Conventions and the three Conventions on Judicial and Administrative Co-operation;
- to maintain the services of a Legal Consultant to the International Child Abduction Database (INCADAT);
- to continue to expand the substantive coverage of INCADAT and ensure a completely bi-lingual research tool (English / French);
- to publish and distribute the Guide to Good Practice under the 1980 Child Abduction Convention (Part I – Central Authority Practice, and Part II – Implementing Measures);
- to publish and distribute the sixth volume (Autumn 2003) and draft the seventh volume (Spring 2004) of the Judges' Newsletter on International Child Protection;
- to begin research and consultation on preventive measures, enforcement of return orders and issues relating to transfrontier access / contact in the context the 1980 Child Abduction Convention and possible next parts of the Guide to Good Practice;
- to begin work on Statistical Databases on International Child Abduction (INCASTAT) and Intercountry Adoption (ICASTAT);
- to begin work on the Guide to Good Practice under the 1993 Intercountry Adoption Convention;
- to set aside publication costs for the new editions of the Practical Handbooks on The Hague Conventions on the Service of Documents Abroad and on the Taking of Evidence Abroad;
- to set aside costs for the Spanish translation of preliminary and other documents and to provide for simultaneous Spanish translation for the Spring 2004 Special Commission on Maintenance Obligations;

- to set aside costs for simultaneous Spanish / English interpretation and other organisational expenses associated with educational programs for judges and authorities in Central and South America;
- to assist with international judicial seminars; and
- to contribute to equipment costs.

The Permanent Bureau is extremely grateful to the contributing Member States for their generous assistance in the development of a wide range of activities to support and improve the operation of existing Conventions.

ANNEX 1 (PROJECTS RE CHILDREN'S CONVENTIONS)

MEMBER STATES OF THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW
CONTRIBUTIONS TO THE SUPPLEMENTARY BUDGET,
INCLUDING CONTRIBUTIONS IN-KIND AND BY WAY OF SECONDMENT

(1) 1 July 1998 - 30 June 1999: Financial Year XLIV
(2) 1 July 1999 - 30 June 2000: Financial Year XLV
(3) 1 July 2000 - 30 June 2001: Financial Year XLVI
(4) 1 July 2001 - 30 June 2002: Financial Year XLVII
(5) 1 July 2002 - 30 June 2003: Financial Year XLVIII
(6) 1 July 2003 – 30 June 2004: Financial Year XLIX (as of 31 January 2004)

Member State	**Contribution**[4]
Australia*	€13,690.55 (4)
	€20,429.00 (5)
	€21,378.00 (6)
	Secondment 6 months (4)
	Secondment 9 months (5)
Austria	€2,500.00 (4)
	€2,496.60 (5)
Canada*	€5,390.60 (3)
	€22,589.30 (4)
	€21,862.65 (5)
	€10,015.00 (6)
	Articling student 6 months (5/6)
	Donation of equipment (*estimated €110,000.00*) (5)
China	€10,000.00 (5)
	€10,000.00 (6)
HKSAR	€7,122.51 (4)
	Secondment 6 months (4)
Croatia	€1,021.45 (5)
Cyprus	€10,200.00 (6)
Czech Republic	€5,681.28 (6)
Denmark*	€1,800.00 (5)

[4] Additional contributions to other specific projects are indicated as follows:
* Additional contribution made to the series of regional discussion workshops in respect of the Convention on the Law Applicable to Certain Rights in respect of Securities held with an Intermediary (2000-2002).
+ Additional contribution made to the 2004 Special Commission on International Jurisdiction and Foreign Judgments in Civil and Commercial Matters (as of 31 January 2004) (Norway €5,000.00; United Kingdom (England and Wales) €14,480.16).

Finland	€100.00 (3) €6,845.27 (4) €10,214.50 (5) €10,689.00 (6)
Germany	Secondment 6 months (5)
Hungary	€3,422.64 (4)
Ireland	€7,294.00 (4)
Italy*	
Japan*	Secondment 6 months (6/7)
Republic of Korea	€2,242.15 (3)
Luxembourg	€5,000.00 (5)
Malta	€498.26 (5)
Monaco	€2,000.00 (5) 2 Secondments 6 months (5/6)
the Netherlands	€18,151.21 (3) €407,131.61 (3)☞ €4,537.80 (4) €27,554.25 (5) €27,554.25 (6)
Norway+	€5,537.25 (1)
New Zealand	€2,528.95 (6)
Spain	€40,000.00 (6)
Sweden	Secondment 3 weeks (5) €13,631.00 (6)
Switzerland	€9,075.60 (4) €10,753.51 (5)
United Kingdom	
England and Wales+	€8,279.31 (3) €30,600.42 (4) €18,824.21 (6)
Northern Ireland	€1,601.28 (4)
Scotland	€7,719.03 (4)
United States of America*	€83,784.60 (5) €90,607.97 (6)

☞ Special contribution from the Ministry of Justice, the Netherlands.