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PROJETS RELATIFS AUX CONVENTIONS SUR LES ENFANTS, LES ALIMENTS, LES ADULTES ET LA COHABITATION PROGRAMME POUR 2005-2006

Note établie par William Duncan, Secrétaire général adjoint

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PROJECTS CONCERNING THE CHILDREN'S CONVENTIONS, MAINTENANCE, ADULTS AND COHABITATION PLANNING FOR 2005-2006

Note drawn up by William Duncan, Deputy Secretary General

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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 in 2003 and in 2004,[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 LI (1 July 2005-30 June 2006)).[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 take place in the first part of 2006, 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. Preparations for the next Special Commission meeting (17-23 September 2005) are 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 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, probably to be combined with the meeting on the 1980 Convention in the first part of 2006.

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 third round of negotiations due to be held from 4-15 April 2005. It is possible that a further meeting of the Special Commission will be needed in late 2005 or early 2006, and that the Diplomatic Session may take place towards the end of 2006.

As a result of the special increase in the regular Budget of the Hague Conference in the last Financial Year, it has been possible to place on a secure footing many of the post-Convention services provided by the Permanent Bureau, which have been viewed as core activities of the Conference and essential to support the existing Conventions.[4]

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[1] See 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; and Preliminary Document No 12 of February 2004 for the attention of the Special Commission of April 2004 on General Affairs and Policy of the Conference respectively.

[2] Preliminary Document No 28 of March 2005 for the attention of the Special Commission of March / April 2005 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".

[4] The following items were moved from the Supplementary Budget to the regular budget in Financial Year L: one Principal Legal Officer and two Legal Officers for work on the Children's Conventions; one Legal Officer for the Conventions on legal co-operation (Apostille, Service, Taking of Evidence); the maintenance and development of the International Child Abduction Database (INCADAT); work, including the development of Guides to Good Practice and practical handbooks, to support the effective implementation and operation of the Conventions involving child protection and legal co-operation; and the employment of one Administrative Assistant and a part-time Publications Assistant.

The Permanent Bureau is grateful to the Member States for their generous assistance in the development of a wide range of activities to support and improve the operation of existing Conventions, both by their contributions to the Supplementary Budget and through their support for the budgetary adjustments in the last Financial Year (L).

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 take place in the first part of 2006, probably in March.	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	To be circulated to Contracting States and Member States in April / May 2005.	
b) Preparation of a report / summary of questionnaire responses on the functioning of the Convention	Response by September / October 2005. Report to be completed and circulated January / February 2006.	
c) Preparation of a full statistical survey of cases processed in 2003 under the 1980 Convention	Already begun in co-operation with the University of Wales, Cardiff Law School. To be completed in time for the Special Commission meeting.	See Supplementary Budget 2005-2006, Article 9(a). Additional funding provided by the UK Nuffield Foundation.
d) Preparation of a study on domestic violence and the 1980 Convention	To be completed for distribution prior to the Special Commission.	
2. The Guide to Good Practice under the 1980 Convention		*The Guide to Good Practice is now funded under the regular budget of the Hague Conference.*
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.	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.

b)	Part III on Preventive Measures	Draft report to be circulated for comments in early 2005. Publication in summer 2005.	
c)	Preparation of Guide and a set of 'principles and considerations' relating to transfrontier access / contact	Work on preliminary draft continuing and establishment of a consultative group; meeting of consultative group planned for mid-2005. Report to be completed in time for consideration by the Special Commission in 2006.	See Supplementary Budget 2005-2006, Article 10.
d)	Preparation of Report on enforcement of return orders / access orders	Questionnaire on laws and procedures already circulated. Empirical research currently being conducted by the University of Wales, Cardiff Law School. Meeting of consultative group in latter part of 2005. Report to be completed in time for consideration by the Special Commission in 2006.	Funding for the empirical research is being provided by the International Centre for Missing and Exploited Children (ICMEC). See Supplementary Budget 2005-2006, Article 10.
3.	**Fundraising to support the Fifth Meeting of the Special Commission**		
a)	Travel and *per diem* fund to provide financial assistance to certain States to permit their participation	Immediate.	See Supplementary Budget, Article 1(a).
b)	Fundraising for Spanish interpretation and translation of the Report and Preliminary Documents into Spanish	Immediate.	See Supplementary Budget 2005-2006, Article 9(c) and Article 9(b) respectively.

4. Establishment of INCASTAT (The international child abduction statistical database)		The Governments of Canada and the United Kingdom have been the major sponsors of this project. Support has also been given by WorldReach Software of Canada. See Supplementary Budget 2005-2006, Article 12.
a) Modification of 'iChild' software for local use by Central Authorities to manage cases under the 1980 Convention	Initial consultations with WorldReach Software and interested Central Authorities completed. Preparation of a comprehensive proposal for Central Authorities completed in August 2004.	
b) Modification / supplementation of 'iChild' for use to collect statistics locally in Central Authorities	Ongoing consultations with WorldReach Software and Central Authorities as part of the pilot project.	
c) Pilot project for Central Authorities	Implementation of the software on a pilot basis in Central Authorities in summer 2005. Pilot to be completed in summer 2006.	
d) Supplementation of 'iChild' for use to generate statistics at the Permanent Bureau	Ongoing work with e-Vision (HCCH website provider) to collect Central Authority statistics on the HCCH website.	

5. Expansion and maintenance of INCADAT (The international database of judicial decisions taken under the 1980 Convention)		Member States which have 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. *INCADAT is now funded under the regular budget of the Hague Conference.*
a) Continued expansion of the substantive legal coverage	Ongoing.	
b) Co-operation with INCADAT Correspondents	Ongoing.	
6. International judicial seminars / programmes to support effective implementation		Funded by participant States. See also Supplementary Budget 2005-2006, Article 2.
Latin American Judges' Seminar Attended by 90 judges and experts from 19 countries	Held 1-4 December 2004 in Monterrey, Mexico. *See* Preliminary Document No 26.	Financed by co-organisers, in particular by the U.S. Department of State, Office of Children's Issues.
Follow up from the Latin American Judges' Seminar including the establishment of a regional judicial / Central Authority network, regional expansion of INCADAT and The Judges' Newsletter	Ongoing. Possibility for national seminars in spring / summer 2005. Possible follow up seminar 2006 / 2007.	Secondment.
Regional Central / Eastern European Seminar	In early planning stage.	Financed by participating States.

	Follow-up conference to Malta Conference of March 2004	In early planning stage. Possibly to take place at end of 2005. *See* Preliminary Document No 26.	Financed by some of the participating States.
	Conference for the Southern African Region Attended by representatives from the judiciary, governmental, academic and NGO communities to address the three modern Hague Children's Conventions	In early planning stage. Tentatively to be held in South Africa in November 2005. *See* Preliminary Document No 26.	Funding currently being sought.
	National seminars, etc. Advice on organisation and scientific programme, participation	Ongoing.	Funded by States concerned, foundations, etc.
7.	**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 and spring 2005).	
b)	Translation (published in French and English; several issues are also in Spanish; Arabic translation of autumn 2004 issue)		See Supplementary Budget 2005-2006, Article 11 in respect of translation costs.
8.	**Direct judicial communications**		See Supplementary Budget 2005-2006, Article 11(d).

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 2006.	
b)	Inventory of existing practices, with the advice of a consultative group of experts	2005.	
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 has been convened for 17-23 September 2005; a 1-day meeting on accreditation issues will take place on 17 September.	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 February / March 2005.	
b)	Preparation of annual statistical forms for intercountry adoption: consultation, completion and circulation to all Central Authorities	Draft to be circulated February / March 2005.	
c)	Formulate and administer questionnaire	To be circulated February / March 2005.	
d)	Preparation of report February / March summarising questionnaire responses on the functioning of the Convention	Summer 2005.	

e) Fundraising for Spanish interpretation and translation of the Report and Preliminary Documents into Spanish	Immediate.	See Supplementary Budget 2005-2006, Article 15(b) and Article 15(a) respectively.
f) Fundraising for the Special Fund to assist with travel and *per diem* expenses for experts from targeted States of origin	Immediate.	See Supplementary Budget 2005-2006, Article 3(a).
g) Preparation of a Guide to Good Practice on Implementing Measures	Consultative group convened in September 2004 to discuss preliminary draft; consultative process to continue early 2005. Next draft to be translated and circulated in April / May 2005. Report to be completed by June 2005 in time for consideration by the Special Commission in September 2005.	*General costs of the Guide to Good Practice are now funded under the regular budget of the Hague Conference.*
h) Preparation of Guides to Good Practice on Central Authority Practice and on Accreditation	Proposal to be put to the Second Meeting of the Special Commission.	*General costs of the Guide to Good Practice are now funded under the regular budget of the Hague Conference.*
i) Full report on the Special Commission	October 2005.	
10. Establishment of ICASTAT (The international intercountry adoption statistical database)	See INCASTAT above (4(b)).	See Supplementary Budget 2005-2006, Article 17.
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 2005-2006, Article 4.
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 and implementation of the 1996 Convention		
a) Preparation of an explanatory / publicity document	2006.	
b) Organisation of meeting to discuss implementation issues	Early 2006 (possibly combined with the Fifth Meeting of the Special Commission to review the practical operation of the 1980 Convention).	
General information: The Hague Children's Conventions		
13. Preparation of a brochure on the Children's Conventions	During 2005.	*Publication costs are now funded by the regular budget of the Hague Conference.*
14. Preparation of a Child's Guide to the 1980 Convention	Tentative 2005-2006.	*Publication costs are now funded by the regular budget of the Hague Conference.*
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. Third Meeting of the Special Commission	4-15 April 2005.	General preparations for Special Commissions are funded from the regular budget of the Hague Conference, as are the Special Commissions themselves.
a) Drafting Committee Preparation of Working Draft of Convention Distribution of Working Draft	Met in The Hague from 19-22 October 2004. Circulated as Preliminary Document No 13 in January 2005.	
b) Working Group on Applicable Law Preparation of questionnaire Preparation of Report for the Special Commission	Preliminary Document No 12 of September 2004. Meeting in The Hague on 7-8 February 2005.	
c) Administrative Co-operation Working Group Preparation of report for the Special Commission Three sub-groups: – Forms – Country profiles – Monitoring and review	Meetings by conference call on 22 November 2004; 24 January 2005; 28 February 2005. Before April 2005. Various meetings by conference call.	Funded in particular by the United States Office of Child Support Enforcement.
d) Fundraising for Spanish interpretation and translation of the report and Preliminary Documents into Spanish	Immediate.	In 2003-2004 and 2004-2005 the United States contributed specifically to this item. See Supplementary Budget 2003-2004, Article 13(c) and Article 13(b) respectively. See Supplementary Budget 2004-2005, Article 17(c) and Article 17(b) respectively.

e) Fundraising for the Special Fund to assist with travel and *per diem* expenses for experts 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). See Supplementary Budget 2004-2005, Article 17(a).
17. Preparation of a possible Fourth Meeting of the Special Commission and the Diplomatic Session	To be determined. Diplomatic Session possibly at end of 2006.	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) Meetings of the Drafting Group	Ongoing.	
c) Organisation of regional meeting in co-operation with European Community	December 2005.	Funded by the EC.
d) Fundraising for Spanish interpretation and translation of the Report and Preliminary Documents into Spanish	Throughout the year.	See Supplementary Budget 2005-2006, Articles 18(b) and 18(a) respectively.
e) Fundraising for the Special Fund to assist with travel and *per diem* expenses for delegates from targeted States	Throughout the year.	See Supplementary Budget 2005-2006, Article 5(a).
Other matters		
18. The Hague Convention of 13 January 2000 on the International Protection of Adults		
a) Preparation of publicity material	2005.	*Publication costs are now funded by the regular budget of the Hague Conference.*

19. The Hague International Legal Training Institute	Ongoing.	See Supplementary Budget 2005-2006, Article 8. See, in general, Articles 2, 4 and 6.
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 2006.	
21. Budgetary Matters and Fundraising	Ongoing.	See, in general, Supplementary Budget 2005-2006 (Prel. Doc. No 28).