

**Council on General Affairs and Policy of the Conference – March 2017**

<b>Document</b>	Preliminary Document <input checked="" type="checkbox"/> Procedural Document <input type="checkbox"/> Information Document <input type="checkbox"/>	No 10 of February 2017
<b>Title</b>	Report on Post-Convention Assistance activities (1 January – 31 December 2016)	
<b>Author</b>	Permanent Bureau	
<b>Agenda item</b>	Item V	
<b>Mandate(s)</b>	C&R No 10 of the 2016 Council on General Affairs and Policy	
<b>Objective</b>	To report on outcomes of post-Convention assistance projects (projects), undertaken by the Permanent Bureau in 2016	
<b>Action to be taken</b>	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
<b>Annexes</b>	List of post-Convention Assistance projects	
<b>Related documents</b>	n.a.	

## **A. Introduction**

1. The *Report on post-Convention Assistance* (Report) provides the Council on General Affairs and Policy with an overview of post-Convention Assistance projects (projects) undertaken by the Permanent Bureau in 2016. The projects are listed chronologically.

2. Annex I of the Report comprises all post-Convention Assistance projects provided. It describes each project and its outcomes, and chronicles the selection criteria and the prioritisation criteria that were applied. It also identifies which entities supported the projects and whether support was provided in the form of funds or otherwise.

3. Unlike the Report presented at the meeting of the Council on General Affairs and Policy in 2016, projects that fall broadly within the category of post-Convention services, and which featured an element of post-Convention assistance, are not included in this year's Report. We refer to "Preliminary Document No 13: Voluntary Contributions Report (1 January–31 December 2016)" for more information about projects funded by Voluntary Contributions.

4. The Permanent Bureau of the Hague Conference on Private International Law takes this opportunity to thank all those who supported post-Convention Assistance projects, allowing the Permanent Bureau to produce timely outcomes of the highest order and quality.

## **ANNEX**

**Annex I. Post-Convention Assistance projects**

Start Date	End Date	Activity	Hague Instrument(s)	Description	Objective	Outcomes	Selection Criteria *	Prioritisation **	Donors and project support
23-6-2016	22-7-2016	Post-Convention assistance to Mauritius: to assist the Government of Mauritius with the drafting of the Adoption Bill and provide training to the Central Authority	1993 Inter-country Adoption Convention	One month consultancy to assist the government in drafting the Adoption Bill and to train the Central Authority on the implementation of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993 Inter-country Adoption Convention)	(i) To evaluate the new strategies and procedures approved by the Mauritian government, as well as the different legislative proposals (especially regarding adoption) drafted at the Attorney General's Office. (ii) To assist Mauritius with modernising its intercountry adoption regime in line with the 1993 Inter-country Adoption Convention. Drafting a new intercountry adoption law. (iii) To provide training to the people appointed by the Prime Minister's Office regarding the operation and implementation of the 1993 Inter-country Adoption Convention (especially to the members of the National Adoption Council and the staff of the Prime Minister's Office, Ministry of Gender Equality, Child Development and Family Welfare). (iv) To advise the Prime Minister's Office with regard to an appropriate structure for the National Adoption Council; (v) To provide this assistance within one month's time.	<b>Main outcome:</b> The consultant drafted a comprehensive Report, noting that while the Mauritian government showed significant willingness to fully align its legal system as well as its institutions with the framework provided by the 1993 Inter-country Adoption Convention, there still remain certain issues that need to be addressed beforehand (observations / recommendations were made in the Report).  <b>Specific outcomes:</b> • Sensitisation and training of around 50 individuals involved in matters of adoption in Mauritius, notably the National Adoption Council members; • Sensitisation of the public in relation to questions about adoption and reforms initiated by the Mauritian government in the field through press / media (both written and radio); and • Creation of a document to serve of reference concerning direction points allowing for the creation of a new adoption regime	i) ii) iii) iv) v) vi) vii) viii a.) viii b)	i) ii) iv) vi) viii) ix)	Government of Mauritius

Start Date	End Date	Activity	Hague Instrument(s)	Description	Objective	Outcomes	Selection Criteria *	Prioritisation **	Donors and project support
22-8-2016	30-11-2017  (on going)	Legal advice to Cambodia in relation to the 1993 Inter-country Adoption Convention	1993 Inter-country Adoption Convention	Given the increasing number of children in need of alternative care and potentially adoption in Cambodia, HCCH and ISS undertook an assessment mission with the purpose of developing an action plan to strengthen foster care, domestic adoption and intercountry adoption procedures. Activity 1: A mission to Cambodia in August 2016 to carry out the capacity assessment and train the relevant actors on the 1993 Inter-country Adoption Convention; Activity 2: Draft a Capacity Assessment and an Action Plan to strengthen adoption procedures in Cambodia (September / October 2016); and Activity 3: Provide remotely legal assistance to Cambodian authorities in relation to their preparation of draft regulations ( <i>Prakas</i> ) on adoption matters (3 days, to be completed before the end of November 2017).	By cross-checking information gathered in the country and from external sources (international organisations and NGOs, websites, publications, etc.), the HCCH and ISS will draft a comprehensive report giving a clear picture of the issue at stake, and provide feasible and concrete recommendations to the stakeholders concerned. The task will be carried out by a team of four experts.	Main outcomes: (i) The Central Authority, the judiciary, other competent authorities, practitioners and other stakeholders were trained and gained a better understanding of the 1993 Inter-country Adoption Convention; (ii) A capacity assessment report was drafted, assessing the current situation and includes recommendations to improve possible challenges; (iv) An Action Plan was drafted with a view to improve existing domestic laws and practice and the better functioning of the Central Authority and other authorities; (v) Further domestic legislation on foster care, among others, will be approved (pending).	i) ii) iii) iv) v) vi) vii) viii a.) viii b.)	ii) iv) v) vi) vii) viii) ix)	Australia and Norway (re-allocation of remaining project funds as per audit 2014-2015)
14-11-2016	15-11-2016	Post-Convention assistance to Viet Nam in relation to the 1965 Service and 1970 Evidence Conventions	1965 Service Convention; 1970 Evidence Convention	Participation in the ASEAN Workshop on certain Hague Conventions. While the Workshop focused on the 1965 Service and 1970 Evidence Conventions, it also touched upon other Hague Conventions.	To assist the government of Viet Nam with the implementation of the 1965 Service Convention and present the 1970 Evidence Convention. Promote the Service and 1970 Evidence Conventions amongst ASEAN States.	After the workshop the government of Viet Nam prepared a practical information chart about the 1965 Service Convention and is currently considering amending its declarations. ASEAN Members are considering joining the 1965 Service and 1970 Evidence Conventions.	i)	i) iv)	General reserve FY-60 (audit)

## \*Selection criteria:

- i) An official request has been received from the State concerned;
- ii) The requesting State has expressed a commitment to fully co-operate with the Permanent Bureau;
- iii) The requested assistance is likely to achieve the intended objectives in light of relevant social, political and economic factors;
- iv) The requested assistance is reasonably expected to produce measurable benefits;
- v) The requested assistance falls within the specific area of expertise of the Permanent Bureau;
- vi) The Permanent Bureau is the only or best placed entity to provide or co-ordinate the requested assistance;
- vii) Where relevant, conditions in the requesting State are conducive to the effective provision of post-Convention assistance; and

- viii) Where relevant, the requesting State expresses a commitment to:
  - a. actively co-operate with the Permanent Bureau or other relevant experts in the establishment and the realisation of an action plan for the provision of post-Convention assistance; and
  - b. move forward in achieving set milestones within a reasonable timeframe established in consultation with the Permanent Bureau.

\*\* Prioritisation criteria:

- i) The requesting State is a Member of the Hague Conference or is actively committed to pursuing Membership;
- ii) The requesting State is in the process of preparing to join or is already a Contracting State to the relevant Hague Convention;
- iii) The urgency of the request;
- iv) The offer of financial and / or in-kind support from Members or Contracting States;
- v) The requesting State is already receiving or is likely to receive additional relevant support or assistance from other governmental, non-governmental, or intergovernmental entities;
- vi) The request reflects the diversity of regions in which the Hague Conference operates;
- vii) The lasting and substantive impact that providing post-Convention assistance is expected to have on the recipient State and the region, including the possibility that such assistance may enable the recipients to later provide training to other States in need of assistance;
- viii) The post-Convention assistance will be provided in a cost-effective and efficient way; and
- ix) The request pertains to a widely ratified or recently adopted Hague Convention for which broad participation is reasonably expected.