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PROJETS RELATIFS AUX CONVENTIONS SUR LES ENFANTS, LES ALIMENTS, LES ADULTES, LA COHABITATION, LE STATUT DES ENFANTS ET LE DÉMÉNAGEMENT FAMILIAL INTERNATIONAL – PROGRAMME POUR 2012 – 2013

Note établie par le Bureau Permanent

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PROJECTS CONCERNING THE CHILDREN'S CONVENTIONS, MAINTENANCE, ADULTS, COHABITATION, STATUS OF CHILDREN AND INTERNATIONAL FAMILY RELOCATION – PLANNING FOR 2012-2013

Note submitted by the Permanent Bureau

Document préliminaire No 6 de mars 2012 à l'intention
du Conseil d'avril 2012 sur les affaires générales et la politique de la Conférence

Preliminary Document No 6 of March 2012 for the attention
of the Council of April 2012 on General Affairs and Policy of the Conference

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PROJETS RELATIFS AUX CONVENTIONS SUR LES ENFANTS, LES ALIMENTS, LES ADULTES, LA COHABITATION, LE STATUT DES ENFANTS ET LE DÉMÉNAGEMENT FAMILIAL INTERNATIONAL – PROGRAMME POUR 2012 – 2013

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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 similar documents presented to meetings of the Special Commission on General Affairs and Policy of the Conference in 2003, 2004, 2005 and 2006, and of the Council of 2007, 2008, 2009, 2010 and 2011,[1] sets out a timetable for certain projects and comments on the sources of funding for each project (cross-referenced to the Supplementary Budget for Financial Years LVIII-LX (1 July 2012 – 30 June 2015)).[2]

The mandate for much of the work relating to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and 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* derives in part from the Fifth Meeting of the Special Commission to review the operation of the 1980 Convention and to address implementation issues concerning the 1996 Convention, which took place in The Hague from 30 October to 9 November 2006.[3] The recent Sixth Meeting of the Special Commission to review the operation of the 1980 Convention and the 1996 Convention, which took place in the Hague in two parts, from 1 to 10 June 2011 and from 25 to 31 January 2012, reaffirmed the work programme and recommended further projects.[4] The Special Commission, attended by 78 States, approved 92 Conclusions and Recommendations, which have implications both for the Regular and Supplementary Budgets of the Hague Conference.

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 September 2005. A third Special Commission meeting to review the practical operation of the Convention of 1993 held in June 2010 reaffirmed the work programme and approved further projects.[5] The programme of work is funded partly from the Regular Budget and partly from the Supplementary Budget.

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[1] See Prel. Doc. No 7 of March 2011 for the attention of the Council of April 2011 on General Affairs and Policy of the Conference, available on the Hague Conference website at < www.hcch.net > under "Work in Progress" then "General Affairs".

[2] See "Financial Years LVII-LIX (1 July 2011 – 30 June 2014), Supplementary Budget and Explanatory Notes. Part I: Special projects and expenses", Prel. Doc. No 9 A of March 2011 and "Financial Year LVII-LIX (1 July 2011 – 30 June 2014), Supplementary Budget and Explanatory Notes. Part II: International Centre for Judicial Studies and Technical Assistance", Prel. Doc. No 9 B of March 2011, both drawn up for the attention of the Council of 2011 on General Affairs and Policy of the Conference.

[3] See "Conclusions and Recommendations of the Fifth 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* and the practical implementation of 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* (30 October – 9 November 2006)", available on the Hague Conference website at < www.hcch.net > under "Specialised sections" then "Child Abduction Section". The original mandate for certain projects derives from earlier Special Commission meetings. See, in particular, "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)", also available on the Hague Conference website.

[4] See "Conclusions and Recommendations of the Sixth Meeting of the Special Commission to review the practical operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and 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* (Part I from 1-10 June 2011 and Part II from 25-31 January 2012)", available on the Hague Conference website at < www.hcch.net > under "Specialised sections" then "Child Abduction Section".

[5] See "Conclusions and Recommendations of the Third Meeting of the Special Commission to review the operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (17-25 June 2010)", available on the Hague Conference website at < www.hcch.net > under "Specialised sections" then "Adoption Section".

The mandate for the work relating to the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* derives in part from Recommendations adopted at the Twenty-First Session on 23 November 2007 (see Final Act of the Twenty-First Session, Part C) and in part from the Conclusions and Recommendations of the Special Commission on the implementation of the 2007 Child Support Convention and of the 2007 Protocol on the Law Applicable to Maintenance Obligations (10-17 November 2009). This work is funded partly under the Regular Budget and partly under the Supplementary Budget.

THE HAGUE CONVENTION OF 25 OCTOBER 1980 ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION and 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 **Implementation of Conclusions and Recommendations from the Sixth Meeting of the Special Commission to review the practical operation of the 1980 Convention and the 1996 Convention[6] (Parts I and II, June 2011 and January 2012)**	
1. Development of Guides to Good Practice, Handbooks and Checklists under the 1980 and 1996 Conventions	
a) Under the 1980 Convention:	
Part I (Central Authority Practice) Part II (Implementing Measures) Part III (Preventive Measures) Part IV (Enforcement of Return Orders) General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children	Parts I, II, III and IV have been published and distributed in English, French and Spanish. The General Principles have also been published in English, French and Spanish. Part III and the General Principles have been translated into Arabic. It is hoped that the complete set (Parts I-IV and the General Principles) will be published in English, French, Spanish and Arabic by the end of 2012. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.1.
Part V (Mediation) – draft	See Conclusions and Recommendations adopted by the 2008 Council on General Affairs and Policy of the Conference (1-3 April 2008), p. 1, 3rd para. The draft Guide to Good Practice – Part V – Mediation was presented and discussed at Part I of the Sixth Meeting of the Special Commission (June 2011) (Prel. Doc. No 5 of May 2011). See Recommendations Nos 58-59 adopted by Part I of the Sixth Meeting of the Special Commission (June 2011). The draft Guide is in the process of being revised and circulated to Members and Contracting States for final consultations and publication in 2012. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.2.

[6] The Conclusions and Recommendations of the Sixth Meeting of the Special Commission to review the operation of the 1980 Convention are available on the Hague Conference website at < www.hcch.net > under "Conventions" then "Convention 28" and "Practical Operation Documents". The Special Commission took place in two parts, with Part I from 1-10 June 2011 and Part II from 25-31 January 2012. General preparations for Special Commissions are funded from the Regular Budget of the Hague Conference, as are the Special Commissions themselves. The provision of Spanish interpretation during the Special Commission and the translation of preliminary documents were funded by contributions to the Supplementary Budget.

Subject to authorisation by Council, establish a Working Group composed of judges, Central Authorities and cross-disciplinary experts to develop a Guide to Good Practice on the interpretation and application of Article 13(1) *b)*	Recommendation No 82 of Part II of the Sixth Meeting of the Special Commission (January 2012).
b) Under the 1996 Convention:	
Handbook on the practical operation of the 1996 Convention	The Handbook was submitted for approval to Part I of the Sixth Meeting of the Special Commission (June 2011) (Prel. Doc. No 4 of May 2011). See Recommendations Nos 53-55 of Part I of the Sixth Meeting of the Special Commission (June 2011). The draft Handbook is in the process of being amended in light of the discussions at Part I of the Special Commission and in consultation with experts, for planned publication in 2012.
General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children	See *supra* 1 *a)*.
2. Informal network of experts to discuss the implementation of the 1996 Convention	
Establishing an informal network of experts to discuss the implementation of the 1996 Convention through a "listserv" (a closed electronic list)	To be started in early 2012. Recommendation No 2 of Part I of the Sixth Meeting of the Special Commission (June 2011).
3. Country Profile for Contracting States to the 1980 Convention	
Contracting States are strongly encouraged to complete the Country Profile. Permanent Bureau is to send an annual reminder to Contracting States to update their Country Profile. Newly acceding States should complete the Questionnaire for Newly Acceding States as soon as possible following accession. They should complete the Country Profile as soon as is practicable thereafter.	The final Country Profile was circulated to Contracting States for completion in March 2011, in advance of Part I of the Sixth Meeting of the Special Commission (June 2011). Recommendations Nos 24-27 of Part I of the Sixth Meeting of the Special Commission (June 2011).

4.	**Direct judicial communications**	
		Report confirmed by Part I of the Sixth Meeting of the Special Commission (June 2011).[7] Recommendations Nos 64-72 of Part I of the Sixth Meeting of Special Commission (June 2011).
a)	Promoting the designation of Judges to the International Hague Network of Judges (IHNJ) by disseminating the *Emerging Guidance and General Principles on Judicial Communications*	Recommendation No 79 (b) of Part I of the Sixth Meeting of Special Commission (June 2011). Ongoing.
b)	Maintaining, updating and up-grading the list of Members of the IHNJ	Ongoing.
c)	Continued consultations and development of practical mechanisms and structures in respect of the IHNJ (including regional networks)	Recommendation No 72 (b) of Part I of the Sixth Meeting of Special Commission (June 2011). Ongoing.
d)	Continued development of an inventory of existing practices relating to direct judicial communications in specific cases under the 1980 Hague Convention and with regard to international child protection	Recommendation No 72 (c) of Part I of the Sixth Meeting of Special Commission (June 2011). Ongoing.
e)	Promote the use of the *Emerging Guidance and General Principles on Judicial Communications*	Recommendation No 79 (a) of Part II of the Sixth Meeting of Special Commission (January 2011). Ongoing. The Special Commission gives its general endorsement to the *Emerging Guidance and General Principles for Judicial Communications* contained in Preliminary Document No 3 A, subject to the Permanent Bureau revising the document in light of the discussions within the Special Commission.

[7] P. Lortie, "Report on Judicial Communications in relation to International Child Protection", Prel. Doc. No 3 B of April 2011 for the attention of the Special Commission of June 2011 on the practical operation of the *1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention*, available on the website of the Hague Conference at < www.hcch.net > under "Work in Progress" then "Child Abduction".

f)	Maintain an inventory of domestic legal bases relating to direct judicial communications.	Recommendation No 79 (c) of Part II of the Sixth Meeting of Special Commission (January 2012). Ongoing.
g)	Implementation of a pilot project for effective secured electronic communications, in particular for members of the IHNJ.	Recommendation No 71 of Part I of the Sixth Meeting of Special Commission (June 2011). Ongoing.
h)	Exploration further the development of a secured system of communications, such as secured video-conferencing, in particular for members of the IHNJ	Recommendation No 72 (a) of Part I of the Sixth Meeting of Special Commission (June 2011). Ongoing. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.6.
i)	Draw up a short information document for judges on direct judicial communications.	Recommendation No 72 (d) of Part I of the Sixth Meeting of Special Commission (June 2011). Ongoing.
5.	**Mediation and other ADR in cross-border family matters**	
a)	Permanent Bureau to keep States informed of developments in the mediation of cross-border disputes concerning contact and abduction[8]	See Conclusions and Recommendations of the Council of April 2008 on General Affairs and Policy, p. 1. See Prel. Doc. No 10 for the attention of the Council of April 2008 on General Affairs and Policy and Prel. Doc. No 10 for the attention of the Council of April 2011 on General Affairs and Policy.
b)	Development of a Guide to Good Practice on Mediation under the 1980 Convention	See *supra* 1 *a)*.
c)	Working Party on Mediation in the Context of the Malta Process	Recommendation No 8 of the Council of April 2011 on General Affairs and Policy.

[8] "Feasibility study on cross border mediation in family matters" drawn up by the Permanent Bureau, Prel. Doc. No 20 of March 2007 for the attention of the Council of April 2007 on General Affairs and Policy of the Conference which includes as an Annex the "Note on the development of mediation, conciliation and similar means to facilitate agreed solutions in transfrontier family disputes concerning children especially in the context of the Hague Convention of 1980" drawn up by S. Vigers, Former Legal Officer of the Permanent Bureau, Prel. Doc. No 5 of October 2006 for the attention of the Fifth 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*, available on the website of the Hague Conference at < www.hcch.net > under "Work in Progress" then "Child Abduction".

	See for details Prel. Doc. No 12 of December 2011 for the attention of Part II of the Sixth Meeting of the Special Commission (January 2012) and Prel. Doc. No 6 of May 2011 for the attention of Part I of the Sixth Meeting of the Special Commission (June 2011). See Recommendations Nos 60-62 of Part I of the Sixth Meeting of the Special Commission (June 2011). See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.2.7. e) and d).
d) Subject to authorisation by Council, establishment of an Expert Group to carry out further research in the area of cross-border recognition and enforcement of agreements	Recommendation No 77 of Part II of the Sixth Meeting of the Special Commission (January 2012). See Prel. Doc. No 12 for the attention of the Council of April 2012 on General Affairs and Policy and Prel. Doc. No 13 of December 2011 for the attention of Part II of the Sixth Meeting of the Special Commission (January 2012).
6. The International Child Abduction Database (INCADAT)	
a) Continued expansion of the substantive legal coverage; working on the ongoing updating and checking of translations; expansion of the non-Hague Convention page	Ongoing. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.5 a).
b) Completion of the update of the Case Law Analysis section, clearing the backlog of translations of summaries (in EN, FR and ES) as well as the backlog of translations of the Case Law Analysis section (mainly in FR and ES).	Ongoing. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.5 a).
c) Co-operation with INCADAT correspondents; extension of the coverage of INCADAT and enlarging the correspondent network; completion of the new version of the Correspondent Guide; Arranging for a correspondent meeting	Ongoing. A correspondent meeting is envisaged for 2012 or 2013. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.5 a).

d) Ongoing work to fix technical problems and enhance the website search engine.	Ongoing with e-vision.
e) Extension of INCADAT to cover case law under other Hague family Conventions	See Recommendation No 56 of Part I of the Sixth Meeting of the Special Commission (June 2011). See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.5 b).
7. The International Child Abduction Statistical Database (INCASTAT)	
a) Ongoing work to promote the use of the system by Central Authorities designated under the 1980 Hague Convention	Recommendation No 22 of Part I of the Sixth Meeting of the Special Commission (June 2011). INCASTAT was launched on 28 September 2007. Ongoing work to develop a form for Convention States to report statistics on non-Hague States. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.5 c).
b) One statistical questionnaire will be developed that is capable of being completed online, and that combines the data currently sought for INCASTAT (the International Child Abduction Statistical Database) with the data last sought for the statistical analysis of cases arising in 2008.	Recommendations No 23 of Part I and No 90 of Part II of the Sixth Meeting of the Special Commission (June 2011 and January 2012). See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.5 c).
c) The Permanent Bureau, in conjunction with certain interested States Parties, will explore the possibility of automated data migration to INCASTAT.	Recommendations No 23 of Part I of the Sixth Meeting of the Special Commission (June 2011). Ongoing.
8. iChild Case Management System	
– Ongoing efforts to promote and implement the system in Central Authorities designated under the 1980 Hague Convention	Recommendation No 91 of Part II of the Sixth Meeting of the Special Commission (January 2012). Ongoing with WorldReach Software of Canada which has developed the Software in co-operation with HCCH.

9. The Judges' Newsletter on International Child Protection	
a) Consultation with Editorial Board; soliciting material; writing and editing; co-ordination with publisher; maintenance and updating of distribution list	Recommendations Nos 73 and 74 of Part I of the Sixth Meeting of the Special Commission (June 2011). Regular bi-annual publication. Publication in Spring 2011 of Vol. XVII, focusing on the Special Commission on Intercountry Adoption. Vol. XVIII, focusing on the Special Commission on the 1980 and 1996 Conventions, will be published in early 2012. See also under Item 36 for the Special Edition on the International Judicial Conference on Cross-Border Family Relocation.
b) Reprints into languages other than English / French	See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.1.3.
c) Index	Currently working on an index (to be made available online) for all the past editions of the Judges' Newsletter.
10. Research on the application of Article 15 of the 1980 Convention	
Research on the steps to be taken to ensure a more effective application of Article 15.	See Recommendation No 63 of Part I of the Sixth Meeting of the Special Commission (June 2011). To be started in 2012.
11. Forms	
Consent to Travel Form	See Recommendation No 92 of Part II of the Sixth Meeting of the Special Commission (January 2012). The Hague Conference will not continue its work on the model consent to travel form (Prel. Doc. No 15) and the Permanent Bureau should inform ICAO of this decision.
Updating of the request for return form under the 1980 Hague Child Abduction Convention and making it available for electronic completion; developing a standardised Request for Access form. Both forms should be available in several languages.	Recommendation No 10 of Part I of the Sixth Meeting of the Special Commission (June 2011) (Info. Doc. No 4 of May 2011 for the attention of Part I of the Sixth Meeting of the Special Commission (June 2011)).

THE HAGUE CONVENTION OF 29 MAY 1993 ON PROTECTION OF CHILDREN AND CO-OPERATION IN RESPECT OF INTERCOUNTRY ADOPTION **Implementation of the Conclusions and Recommendations of the Third Meeting of the Special Commission to review the practical operation of the 1993 Convention**[9] **(17-25 June 2010)** **Projects and resources concerning intercountry adoption for the period 2012-2014 see Annex 1 A and B**[10]	
12. The Guides to Good Practice	
a) Translations of Guide to Good Practice No 1 on Implementation	Publication of a Russian and Khmer version of Guide No 1 in 2011. Chinese and Vietnamese versions of Guide No 1 were produced in their respective countries.
b) Finalisation of the Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies	Revisions have been made to the text in light of the discussions within the last Special Commission and the draft Guide has been commented on by the members of the Working Group in late 2011. Comments were integrated for a final version, which was circulated on 16 February 2012 to all Members of the Hague Conference, Contracting States and States and organisations represented at the 2010 Special Commission for their final comments. Publication is planned in April 2012. Recommendation No 4 of the 2005 Special Commission and No 3 of the 2010 Special Commission. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.3.8.
c) Collection of information on the selection, counselling and preparation of prospective adoptive parents as the possible topic of the Guide to Good Practice No 3 (see also Item 17 below).	Ongoing, subject to resources and priorities, and only once the Working Group on financial aspects (see item 17) has finished its work.

[9] The Second Meeting of the Special Commission took place from 17 to 23 September 2005, including a one-day meeting on accreditation issues. The Third Meeting of the Special Commission took place from 17 to 25 June 2010, including a day on abduction, sale and traffic in children and their illicit procurement. The Conclusions and Recommendations of both Special Commission meetings are available on the Hague Conference website at < www.hcch.net > under "Intercountry Adoption Section" and then "Special Commissions". General preparations for Special Commissions are funded from the Regular Budget of the Hague Conference, as are the meetings of the Special Commissions themselves. The provision of Spanish interpretation during the Special Commission and the translation of preliminary documents were funded by contributions to the Supplementary Budget.

[10] Due to significant changes in the staffing arrangements for the Intercountry Adoption Section (as outlined in the Circular of 28 February 2012), the Work Plan in Annex 1 is intended to highlight the difficulties facing the Section after 2012.

	Recommendation No 10 of the 2010 Special Commission.
d) Research into possible additional Parts (*e.g.,* financial aspects and post-adoption reports; see also Item 17 below))	Ongoing (see item 16). Recommendation No 2 of the 2005 Special Commission meeting.
e) Spanish translation of additional parts of the Guide	See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.3.8 b) and A.3.10 b).
13. Development of a model form for the consent of the child (Art. 4 *d)*(3)) as well as model forms or protocols regarding the operation of Articles 15 and 16 of the Convention	To commence in 2012, subject to resources. Recommendation No 7 of the 2005 Special Commission meeting.
14. Development of country profiles	The completed country profiles are available on the Hague Conference website and States are encouraged to update them regularly. Recommendation No 8 of the 2005 Special Commission and No 7 of the 2010 Special Commission.
15. Development of a model form regarding post-adoption reporting	To commence in 2012, subject to resources. Recommendations No 18 of the 2005 Special Commission and No 7 of the 2010 Special Commission.
16. Development of ICASTAT (the intercountry adoption statistical database)	After the assistance of an intern from February to July 2010, no resources are available for this project. The 2010 Special Commission recommended that consultations should continue on options for the future collection of statistical data by the Permanent Bureau. Recommendation No 31 of the 2010 Special Commission.
17. Working Group on financial aspects in intercountry adoption, including tables indicating for each Contracting State the costs associated with intercountry adoption and the charges imposed on prospective adoptive parents	A Working Group on financial aspects of intercountry adoption has been constituted and will hold its first meeting, proposed for June 2012. Recommendation No 4 of the 2010 Special Commission. Recommendation No 25 of the 2011 Council of General Affairs.

	Due to the importance given to this work by member States, and the resources required, it may be considered appropriate that financial aspects of intercountry adoption is the necessary topic for Guide to Good Practice No 3. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.3.9 a).
18. Informal group on abduction, sale and traffic in children and their illicit procurement	A discussion paper on more effective and practical forms of co-operation between States to prevent and address specific instances of abuse has been drafted by the Australian Central Authority and commented on by the Working Group's members. Permanent Bureau will circulate conclusions of this group in 2012 for consideration by Contracting States. Recommendation No 2 of the 2010 Special Commission. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.3.9 b).
THE HAGUE CONVENTION OF 13 JANUARY 2000 ON THE INTERNATIONAL PROTECTION OF ADULTS	
20. Preparation of publicity material	Ongoing.
THE HAGUE CONVENTION OF 23 NOVEMBER 2007 ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE **Implementation of the Conclusions included in the Final Act of the Twenty First Session, 23 November 2007, and of the Conclusions and Recommendations of the Special Commission on the implementation of the Convention, 10-17 November 2009**	
21. Explanatory Report	Will soon be available in the form of an off-print prior to being published in the Proceedings of the Twenty-First Session. A Spanish version is being completed. See Recommendation No 2 of the 2009 Special Commission.
22. Publication of the Implementation Checklist for the 2007 Child Support Convention	Done. Work on a Spanish version ongoing. See Recommendation No 13 of the 2009 Special Commission.

23. Publication of the Practical Handbook for case workers on the operation of the Maintenance Convention	Review of the Practical Handbook in light of the comments received is underway prior to its final circulation for comments. As soon as the Practical Handbook is finalised in both French and English it should be made available in Spanish. See Recommendation No 6 of the 2009 Special Commission. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.4.11.
24. Continuation of the work of the Administrative Co-operation Working Group (ACWG) – Two conference calls	See Final Act. See Prel. Doc. No 3 B of February 2010. Ongoing. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.4.12.
25. Publications of the Forms adopted by the November 2009 Special Commission	See Final Act. See Recommendation No 3 of the November 2009 Special Commission. As the Recommended Forms have been finalised in both French and English it is now planned to have them available in Spanish as soon as possible.
26. Reconvening the Forms Working Group (co-ordinated by the Permanent Bureau) – Eight conference calls	See Recommendation No 4 of the November 2009 Special Commission. Suspended until at least 2013.
27. Publication of the Country Profile – Core Scope (co-ordinated by the Permanent Bureau) – Finalisation of the web-based Country Profile – Core Scope (after the November 2009 Special Commission)	See Final Act. See Recommendation No 8 of the November 2009 Special Commission. As soon as the Country Profile (Core Scope) is finalised in both French and English it should be made available in Spanish.
28. Development of the Country Profile – Extended Scope (co-ordinated by the Permanent Bureau) – Four conference calls – Possible one in-person meeting – Extension of the web-based Country Profile – Extended Scope	See Recommendation No 8 and Minutes of the November 2009 Special Commission. Underway. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.4.13.

29. iSupport (electronic case management and Internet based communication system for the international recovery of maintenance) – Preliminary work to devise, in consultation with interested States, functional and technical requirements for the system and its design – Preliminary work to devise a tendering process for the development of the software *per se* – Preliminary work to devise a funding strategy to operate and maintain the system	See Recommendation No 6 of the Special Commission on General Affairs and Policy of the Conference of April 2006 and Recommendations Nos 14 and 15 of the 2009 Special Commission. Proposal for an EU Action Grant underway. See Prel. Doc. 9A (Supplementary Budget Part I: 2012-2015), A.D.21-26.
30. Preparation of publicity materials	Ongoing.
31. Feasibility study on a possible protocol to the 2007 Convention to deal with the international recovery of maintenance in respect of vulnerable persons	See Final Act. See Recommendation No 11 of the 2009 Special Commission. Completed. The Permanent Bureau will continue to monitor the situation.
THE HAGUE PROTOCOL OF 23 NOVEMBER 2007 ON THE LAW APPLICABLE TO MAINTENANCE OBLIGATIONS	
32. Explanatory Report	See Minutes of the Plenary Session of the Diplomatic Session. See Recommendation No 2 of the 2009 Special Commission. The Explanatory Report for the Protocol, having been adopted in both English and French and finalised in Spanish, will soon be available in the form of an off-print prior to being published in the Proceedings of the Twenty-First Session.
CO-HABITATION OUTSIDE MARRIAGE	
33. Co-habitation outside marriage	
Monitoring developments	Ongoing. See Prel. Doc. No 11 for the attention of the Council of April 2008 on General Affairs and Policy.

MALTA PROCESS	
34. Malta Process	
Preparation of a Fourth Malta Conference in 2012 or 2013. General continuation of the Malta Process.	Recommendation No 86 of Part II of the Sixth Meeting of the Special Commission (January 2012). See also above under 5 c).
STATUS OF CHILDREN AND INTERNATIONAL SURROGACY ISSUES	
35. Status of children and international surrogacy issues	
Preparation of a preliminary report on progress to the Council of 2012 on the private international law issues surrounding the status of children (excluding adoption) and, in particular, on the issue of recognition of parent-child relationships (*filiation*) (Prel. Doc. No 10 2012 for the attention of the Council of April 2012 on General Affairs and Policy)	See Conclusions and Recommendations adopted by the Council on General Affairs and Policy of the Conference (7-9 April 2010) (Prel. Doc. No 1 of September 2010 for the attention of the Council of April 2011 on General Affairs and Policy) and Conclusions and Recommendations adopted by the Council on General Affairs and Policy of the Conference (5-7 April 2011) (Prel. Doc. No 1 of September 2011 for the attention of the Council of April 2012 on General Affairs and Policy)
INTERNATIONAL FAMILY RELOCATION	
36. International family relocation	
a) Preparation of a preliminary note to inform the discussion at Part II of the Sixth Meeting of the Special Commission (Prel. Doc No 11 of January 2012 for the attention of the Sixth Meeting of the Special Commission (Part II) of January 2012).	The 2010 meeting of the Council on General Affairs and Policy "took note of the Declaration resulting from the International Judicial Conference on Cross-Border Family Relocation (Washington, D.C., United States of America, 23-25 March 2010)". See also the Special Edition on the International Judicial Conference on Cross-Border Family Relocation (in English) of the Judges' Newsletter published in December 2010.
b) Further study and gather information concerning the different approaches adopted in various legal systems to international family relocation, in relation to private international law issues and the application of the 1996 Convention	Recommendation No 84 of Part II of the Sixth Meeting of the Special Commission (January 2012).

A N N E X E S

OVERVIEW OF ACTIVITIES FOR INTERCOUNTRY ADOPTION SECTION 2012-2014[1]

This overview examines current and projected resources, priorities and some strategies to manage the discrepancy between available resources and expected workload of the Section.

The attached list of activities (Annex 1B) sets out the Permanent Bureau's Intercountry Adoption Section's current and projected work commitments and priorities for the period 2012-2014.

STAFFING RESOURCES

Level	Permanent/Temporary	Period at PB
1x Secretary (JD)[2]	Permanent	Until 30 April 2012
1x Principal Legal Officer (LMM)	Permanent 90%	Ongoing*
1x Legal Officer (EH)	Temporary	Until 31 December 2012
1x Legal Officer (CR)	Temporary Secondment	Until 19 December 2012
1x Paralegal/Admin Assistant (SH)	Permanent 50% to ICA	Ongoing

*See Strategies / Staffing below

Available resources for 2012 mean there should be a focus on getting as much done as possible in 2012, as the staff situation will be uncertain in following years. After 2012, the only person guaranteed to be working on adoption within the Permanent Bureau is Mrs Laura Martinez-Mora, but this is not realistic for one person alone to undertake all the adoption related projects.

PRIORITIES 2012

For 2012, priorities are:

1. Completion of the Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies.
2. Setting-up the Working Group on Financial Aspects of intercountry adoption, and Associated planning and Documents.
3. Follow-up of the Working Group on Abduction, Sale, Traffic in Children and their Illicit Procurement, and support to Australian Central Authority to achieve a positive outcome
4. Organisation of a second African Francophone seminar.
5. Implementation and follow-up of the Intercountry Adoption Technical Assistance Programme (ICATAP) projects.
6. Fundraising for continuation of Legal Officer in 2013 and for ICATAP.

[1] This list of activities covers all aspects of intercountry adoption, not only the Intercountry Adoption Technical Assistance Programme (ICATAP). For this reason, it is not possible to plan activities beyond 2014, the year that a Special Commission could be held.

[2] JD: Jennifer Degeling; LMM: Laura Martinez-Mora; EH: Emmanuelle Harang; CR: Carine Rosalia; SH: Stuart Hawkins.

ICATAP SUPPORT FOR THE IMPLEMENTATION AND OPERATION OF THE 1993 HAGUE CONVENTION IN TARGETED COUNTRIES

As always, the political situation and other unforeseen events in the States of origin, as well as the interest from receiving States including funds for specific countries, tend to influence the priorities for technical assistance. However, funding for projects is irregular and long term planning is difficult.

In the list of current priority countries, all have complex political and social situations where it is not possible to achieve overnight success. Another obstacle in some countries may be that corruption is widespread and may be an accepted part of the culture, and that improper financial gain from adoption is common. That does not mean, however, that significant progress has not been made in difficult countries.

STRATEGIES

Staffing

The Intercountry Adoption Section of the Permanent Bureau is in the unusually fortunate position to have an additional staff member in 2012 who is an experienced Legal Officer on secondment from the United States Central Authority. On the other hand a paid temporary Legal Officer who is an experienced child protection lawyer, is only on contract until 31 August 2012 and no Supplementary Budget funds are available for her continuation.

With the departure of Mrs Jennifer Degeling on 30 April 2012, and the planned move of Mrs Martinez-Mora to the Regular Budget as Principal Legal Officer responsible for the Adoption Portfolio from 1 May, it is hoped that Mrs Martinez-Mora's salary money from her Technical Assistance Programme Co-ordinator position (available until December 2012) could be used to extend the contract of the temporary Legal Officer beyond 2012.

Looking beyond early 2013, it will not be possible to maintain the current level of activity in adoption and technical assistance unless Mrs Martinez-Mora has the additional support of at least one experienced Legal Officer. Without that support, ICATAP will have to be seriously curtailed and the focus of intercountry adoption work will be on regular budget activity, including preparation of a Special Commission in 2014, if possible.

Strategy No 1: Seek funding to guarantee the continuation of a Legal Officer to assist and support intercountry adoption work in general, not just ICATAP activities in other countries

Funds may be sought from receiving States who support the Permanent Bureau's work in intercountry adoption and are committed to the continuation of ICATAP, even in a more modest form. In the existing arrangements, it has not been possible to impose a strict separation of roles between regular budget activities and ICATAP as there has always been the need for mutual consultation and support for all activities.

Strategy No 2: **Do as much as possible in 2012 while there are adequate staffing resources**

It is necessary to plan for a worst case scenario where no additional funding is provided and Mrs Martinez-Mora has to manage intercountry adoption alone.

ICATAP
ICATAP has developed a solid reputation for quality programs and very professional providers. The Permanent Bureau is aware of the slow pace of change in some countries and the challenges of achieving measurable outcomes for its efforts. While there are great challenges to work in politically unstable countries with many complex social problems, such countries with which the Permanent Bureau works have indicated a wish for the continuation of ICATAP assistance as the type of programme that can make a difference in raising the standards of the intercountry adoption process.

Strategy No 3: Development of a Strategic Plan for ICATAP

The plan establishes how the priorities regarding ICATAP are set, and in addition it identifies some less challenging countries in need of assistance and where some short term progress and success could be achieved (see Info. Doc. No 4).

Strategy No 4: In combination with Strategy No 1, seek funding from receiving States and other bodies or organisations, which have an interest in particular countries or regions

At the same time, consider proposing joint partnerships with some other organisations or bodies which have funds or plans to work in countries and would welcome our involvement (*e.g.*, Adoptionscentrum, an accredited body of Sweden, has recently conducted training in India and invited Nepal to participate; they also frequently run training seminars in Africa).

Strategy No 5: Finalise the UNICEF agreement to consolidate our partnership

It could be proposed in the Agreement that the Permanent Bureau could undertake missions on behalf of UNICEF regarding intercountry adoption, and where appropriate, the other Children's Conventions. All costs would be met by UNICEF for missions they request, *e.g.*, Mozambique, Namibia, Kazakhstan. These missions may serve a specific need of UNICEF in a country or region, but also serve Hague Conference interests to promote understanding of the 1993 Convention.

ACTIVITIES OF THE INTERCOUNTRY ADOPTION SECTION 2012-2014

I. SHORT TERM PRIORITIES (2012)

1. Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies

a) Consultation on final draft to Members and Contracting States; and

b) Preparations for sending to the publisher in 1 April 2012, and proof reading of publisher's version before printing.

2. Working Group on Financial Aspects of Intercountry Adoption

a) Establishing the Working Group and organizing the 1st meeting (June 2012);

b) Drafting a Discussion Paper setting out the issues and good practices (March-April 2012); and

c) Examining the feasibility of putting costs tables on the Permanent Bureau's website (Recommendation No 4 of the Special Commission 2010). This work should commence in conjunction with the Working Group discussions.

3. Working Group on Abduction, Sale, Traffic in Children and their Illicit Procurement

a) Consultations with the Australian Central Authority on the draft Discussion Paper to be circulated;

b) Follow up with the Australian Central Authority on next steps; and

c) Definition of practical guidelines for Central Authorities that are needed to ensure the principles of cooperation in the Discussion Paper are supported and implemented.

4. UNICEF – HCCH agreement

a) Co-operation agreement: finalisation of an agreement as a less formal agreement is desirable in the short term to consolidate our relationship; and

b) Formal agreement: continuation of discussions with UNICEF about timetable and content of a formal agreement.

5. ICATAP priorities

a) Development of a Strategic plan for ICATAP for the period 2012-2014 (See Info. Doc. No 4);

b) Planning of activities for priority countries; identification of other countries in need of technical assistance and listing according to the possible timeframe to achieve progress or success; and

c) Possibility of ICATAP targeting less difficult countries for achievement of some modest short term successes.

6. ICATAP priorities by country / region

a) See ICATAP Strategic plan (See Info. Doc. No 4).

7. Seminars of special importance for intercountry adoption

a) The 5th International Policy Conference on the African Child on the theme of Intercountry Adoption as a measure of last resort in Africa, 29-30 May 2012, Addis Ababa;

b) First Conference on Family Strengthening and Alternative Care in Sub-Saharan Francophone Africa, Dakar, May 2012;

c) HCCH Francophone Seminar for Africa: a follow up from the 2009 Francophone Seminar is desirable; French funds are now available to allow planning for the Seminar, but more are needed; and

d) Possible Anglophone Seminar for Southern and Eastern Africa: a follow up from 2010 Pretoria Seminar is desirable in first half of 2013. There is sufficient need and interest in Africa to focus just on adoption. Many countries in this region have requested our assistance, and a regional seminar could satisfy this need. There are no funds at present. Planning will need to begin in the second half of 2012.

II. MEDIUM AND LONG TERM PRIORITIES (2013-2014)

1. Fifth meeting of the Special Commission in 2014

a) Planning must begin in 2013. It is important to re-establish the 4 year cycle for the meetings of adoption Special commission, as 5 years is too long for this volatile area.

b) Possible topics and documents include:
- Search for origins using new media
- Guide to Good Practice on financial aspects of intercountry adoption
- Questionnaire on implementation issues
- Working Group on Abduction, Sale, Traffic in Children and their Illicit Procurement – report and follow up on application of principles of cooperation
- Trends in intercountry adoption
- Special Needs Children
- Interaction of the 1993 Hague Convention and the 1996 Hague Convention for children – alternatives to adoption e.g. international foster care
- Surrogacy – follow up.

2. Guides to Good Practice

a) Financial Aspects of intercountry adoption: it may be practical to anticipate that the work of the Working Group could result in a new Guide to Good Practice. The Recommendation No. 2 of the 2005 Special Commission made a general reference to this as a possible future Guide to Good Practice's topics; and

b) Preparation of parents for intercountry adoption: topic identified as important for improving good practices; the mandate was given in the Recommendation No 2 of the 2005 Special Commission

3. ICATAP by region

See ICATAP Strategic plan (Info. Doc. No 4)

III. Ongoing tasks (2012 – 2014)

1. Ongoing tasks

a) Completing the work from 2005 and 2010 Special Commission Recommendations: new Forms for consent of child, model form or protocol for Arts 15 and 16 (Recommendation No 7 of the 2005 Special Commission).

b) Answering questions from Central Authorities, website, etc. In 2011, 108 requests were registered on the tracking list, and all have received an answer.

c) Revising French documents.

d) Revising Spanish documents.

e) Providing advice on interpretation of Convention to governments and authorities.

f) Following up the new accessions and ratifications by sending a welcome letter and the Guides to Good Practice.

g) Monitoring information, chasing up changes and contact details on the website "Intercountry Section".

h) Drafting a Brochure and FAQs on intercountry adoption.

i) Sending regular reminders to Central Authorities to update information on Country profiles; Monitoring responses and keeping up to date.

2. ICATAP ongoing tasks

a) Reporting of ICATAP missions.

b) Expanding of the network of consultants for ICATAP projects (ongoing work).

3. Other projects

a) Statistics: Following up of the Special Commission Recommendation.