

Council on General Affairs and Policy of the Conference – March 2018

Document	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	No 8 of February 2018
Title	Report on post-Convention assistance activities (1 January – 31 December 2017)	
Author	Permanent Bureau	
Agenda item	Item IV.4	
Mandate(s)	C&R No 32 of the 2017 Council on General Affairs and Policy	
Objective	To report on outcomes of post-Convention assistance projects (projects), undertaken by the Permanent Bureau in 2017	
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes	List of post-Convention assistance projects	
Related documents	n.a.	

Introduction

1. The *Report on post-Convention assistance activities* (Report) provides the Council on General Affairs and Policy with an overview of post-Convention assistance projects (projects) undertaken by the Permanent Bureau in 2017. 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. 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. Please refer to "Preliminary Document No 12: Voluntary Contributions Report (1 January–31 December 2017)" 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.

A N N E X

Annex I. Post-Convention assistance projects

Start Date	End Date	Activity	Hague Instrument(s)	Description	Objective	Outcomes	Selection Criteria *	Prioritisation **	Donors and project support
22-8-2016	30-11-2017	Legal advice to Cambodia	1993 Intercountry Adoption	Given the increasing number of children in need of alternative care and potentially adoption in Cambodia, the HCCH and ISS undertook an assessment mission with the purpose of informing the development of 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 Intercountry Adoption Convention; Activity 2: Draft a Capacity Assessment and an Action Plan to strengthen adoption procedures in Cambodia (September / October 2016 and June 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.	(i) Experts were well prepared for the mission; (ii) Mission was carried out in Cambodia; (iii) The Central Authority, the judiciary, other competent authorities, practitioners and other stakeholders were trained to gain a better understanding of the 1993 Intercountry Adoption Convention; (iv) Capacity assessment report was drafted. It assessed the current situation and included recommendations to improve possible challenges; (v) Action Plan included, among others, activities to improve existing domestic laws and practice and the functioning of the Central Authority and other authorities.	i) iv) vi) vii) viii a.) viii b.) ii) iii) v)	ii) iv) v) vi) vii) viii) ix)	Australia and Norway (re-allocation of remaining project funds as per audit 2014-2015)
17-1-2017	19-1-2017	Experience sharing on the implementation of the 1993 Intercountry Adoption Convention in West Africa, held in Burkina Faso	1993 Intercountry Adoption	Three-day workshop in Burkina Faso in January 2017 to assist Contracting States from West Africa and Haiti in implementing the principles of the 1993 Intercountry Adoption Convention and to assist non-Contracting States from West Africa with the signature and ratification of the 1993 Intercountry Adoption Convention. The workshop was organised by the French international adoption programme (MAI) and the Ministry of Woman, National Solidarity and Family of Burkina Faso, closely together with the Belgian Community Central Authority.	(i) To train experts from West African Countries and Haiti on good practices and ways to improve the implementation of the 1993 Intercountry Adoption Convention. (ii) To provide non-Contracting States from West Africa with advice regarding the ratification procedure or accession to the 1993 Intercountry Adoption Convention.	<ul style="list-style-type: none"> Experts from Benin, Burkina Faso, Ivory Coast, Haiti and Togo participated in the workshop and were trained on best practices and ways to improve the implementation of the 1993 Intercountry Adoption Convention. Benin was given advice regarding the signature and ratification of, but also accession to, the 1993 Intercountry Adoption Convention. 	i) ii) iii) iv) v) vi) vii) viii a.) viii b.)	i) ii) iv) v) vi) vii) viii) ix)	Belgium, France
23-2-2017	On-going	Assistance to Panama on the 1980 Child Abduction Convention - Mediation	1980 Child Abduction	Assistance to implement mediation procedures for child abduction cases.	Development of a Protocol on mediation for child abduction cases. Development of a model to be followed by other Latin American States, where possible.	The requested assistance is expected to: <ul style="list-style-type: none"> generate a higher percentage of voluntary agreement; a reduction of timeframes to resolve cases; and a reduction of the need to enforce decisions before the Courts. 	i) v) vii)	i)	United States of America

Start Date	End Date	Activity	Hague Instrument(s)	Description	Objective	Outcomes	Selection Criteria *	Prioritisation **	Donors and project support
28-3-2017	5-6-2017	Technical support for Zambia on implementing the 1993 Inter-country Adoption Convention	1993 Inter-country Adoption	<p>Unicef is working closely with the Zambian Government regarding strengthening their politics, laws and child protection system. A new Children's Code Bill and Guidelines on alternative care are under review. It appears that there is a need to ensure that the legislation and the practice regarding adoption are in line with the 1993 Inter-country Adoption Convention, and a need to strengthen the child protection system.</p> <p>Activities: consultancy to assist the government in ensuring that the Law on Adoptions is in line with the 1993 Inter-country Adoption Convention and consultancy to train the Central Authority and the judges on the implementation of the 1993 Inter-country Adoption Convention.</p>	<p>(i) To provide legal advice to Zambia to ensure that the Law on Adoptions is in line with the 1993 Inter-country Adoption Convention.</p> <p>(ii) To provide Zambian authorities with recommendations on the current practice regarding adoptions in Zambia and how to improve it so that adoption practices are in line with the 1993 Inter-country Adoption Convention.</p> <p>(iii) To provide recommendations to ensure that the Central Authority is well-established and functions effectively.</p> <p>(iv) To train the staff of the Central Authority, the judges working on adoption matters, other competent authorities and bodies on the 1993 Inter-country Adoption Convention.</p> <p>(v) To provide Zambian authorities with a comprehensive report with all recommendations.</p>	<p>Main outcomes: The consultant drafted a comprehensive Report analysing the current situation and providing recommendations.</p> <p>Specific outcomes:</p> <ul style="list-style-type: none"> The Consultant gave legal advice on the Guidelines on alternative care and on the draft Children's Code Bill. The recommendations have been handed over to the Zambian authorities which have to take the necessary measures and approve the legislation in conformity with the 1993 Inter-country Adoption Convention. The Consultant worked closely with the Central Authority which is now equipped and has a better understanding of the 1993 Inter-country Adoption Convention. The Consultant facilitated a workshop, with the help of Unicef, for 40 persons from 18 different Bodies. Following this workshop, a working group drafted recommendations towards improving the adoption procedure. Those recommendations were taken into consideration in the Part on the Guidelines on alternative care regarding adoption. 	<p>i) ii) iv) v) vi) vii) viii a.) viii b)</p>	<p>i) ii) iii) iv) v) vi) vii) viii) ix)</p>	France
6-8-2017	6-9-2017	Georgia Study Visit (June 2017)	1965 Service; 1970 Evidence; 1980 Access to Justice; 2005 Choice of Court; Other	<p>Two-day study visit of two representatives from the Georgian Ministry of Justice and one consultant from the GIZ (<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i>) to The Hague from 8 to 9 June 2017. The programme on 8 June took place at the Permanent Bureau and on 9 June at the <i>Rechtbank Den Haag</i>, the Dutch Central Authority for the Service and Evidence Conventions.</p>	<p>As a result of this assistance, Georgian officials will gain a better understanding of the object and practical operation of the Service and Evidence Conventions and will disseminate the information provided to the relevant officials. It is hoped that this assistance will enable the recipient to establish a well-functioning Central Authority(ies). It will also contribute to the development of the practical Guide on Mutual Legal Assistance in Civil and Commercial Matters that is in the process of preparation by GIZ in close cooperation with the Ministry of Justice of Georgia. For the CA visit on Day 2: Presentation of current practices adopted by the Netherlands under the Service and Evidence Conventions – subject to confirmation by the relevant authorities.</p>	<p>The Georgian Ministry of Justice continues to work on acceding to the Conventions. After some final adjustments to the proposed declarations, it is likely that the Service and Evidence Conventions will go to Parliament for final approval in 2017/2018, and the Choice of Court and Access to Justice Conventions in 2018.</p>	<p>i) ii) iii) iv) v) vi) viii b)</p>	<p>i) v) vi) vii) viii) ix)</p>	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> (GIZ) in Georgia, <i>Rechtbank Den Haag</i> (Court of The Hague).

Start Date	End Date	Activity	Hague Instrument(s)	Description	Objective	Outcomes	Selection Criteria *	Prioritisation **	Donors and project support
30-10-2017	30-11-2017	Technical support for Honduras on implementing the 1993 Inter-country Adoption Convention	1993 Inter-country Adoption	Consultancy to assist the government in drafting the Adoption Bill and consultancy to train the Central Authority on the implementation of the 1993 Inter-country Adoption Convention.	(i) To provide legal advice to Honduras to ensure that the Law on Adoptions is in line with the 1993 Inter-country Adoption Convention. (ii) To provide Honduras with recommendations on the current practice regarding adoptions in Honduras and how to improve it so that adoption practices are in line with the 1993 Inter-country Adoption Convention. (iii) To provide recommendations to ensure that the Central Authority is well-established and functions effectively. (iv) To train the staff of the Central Authority, the judges working on adoption matters, other competent authorities and bodies on the 1993 Inter-country Adoption Convention and the new law, and to enable these actors to ensure the 1993 Inter-country Adoption Convention standards in adoption procedures. (v) To provide Honduran authorities with a comprehensive report with all recommendations.	The consultant drafted a comprehensive Report, noting that while the Honduran 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. Specially, recommendations were made to strengthen the Central Authority, and ensure that the safeguards of the 1993 Inter-country Adoption Convention are respected through the adoption process.	i) ii) iii) iv) v) vi) vii) viii a.) viii b))	i) ii) iii) iv) v) vi) vii) viii) ix)	Norway; the Philippines
11-12-2017	13-12-2017	Implementation of the 1993 Inter-country Adoption Convention in Asia: state of play and experience sharing, in Vietnam	1993 Inter-country Adoption	Three-day workshop in December 2017 in Vietnam to assist countries from South East Asia and East Asia with good practices and challenges in implementing the 1993 Inter-country Adoption Convention.	(i) To train experts from East and South East Asian countries on good practices and ways to improve the implementation of the 1993 Inter-country Adoption Convention. (ii) To train experts from East and South East Asian countries on co-operation among the different actors involved in the intercountry adoption procedure, in application of the 1993 Inter-country Adoption Convention. (iii) To provide non-Contracting States from South East and East Asia with advice regarding the ratification procedure or accession to the 1993 Inter-country Adoption Convention.	<ul style="list-style-type: none"> • Experts from Cambodia, China (Hong Kong SAR), the Republic of Korea, Laos, the Philippines, Thailand, and Vietnam were trained on good practices and ways to overcome challenges in implementing the 1993 Inter-country Adoption Convention. • Experts from Cambodia, China (Hong Kong SAR), the Republic of Korea, Laos, the Philippines, Thailand, and Vietnam were trained on cooperation between the different actors involved in the intercountry adoption procedure. • The Republic of Korea and Laos were encouraged to take into consideration the advantages of ratifying or acceding to the 1993 Inter-country Adoption Convention. 	i) ii) iii) iv) v) vi) vii) viii a.) viii b))	i) ii) iv) v) vi) vii) viii) ix)	France

*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.