



**'CO-OPERATION THROUGH HAGUE CONVENTIONS'**

**14 TO 16 OCTOBER 2010  
BONN, GERMANY**

**CONCLUSIONS & RECOMMENDATIONS**

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**INTRODUCTION**

From 14 to 16 October 2010, 61 participants from Armenia, Azerbaijan, Belarus, Germany, Georgia, Moldova, the Netherlands and the Ukraine, along with experts from the Hague Conference on Private International Law, met in Bonn, Germany to discuss co-operation through Hague Conventions.

The following Conclusions and Recommendations were adopted by each of the seminar sub-groups and subsequently presented to the entire group as a whole.

**I. CONCLUSIONS & RECOMMENDATIONS RELATING TO THE 1980 HAGUE CHILD ABDUCTION CONVENTION<sup>1</sup> AND THE 1996 HAGUE CHILD PROTECTION CONVENTION<sup>2</sup>**

The seminar sub-group concerning the 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention consisted of experts from all of the Participating States (hereinafter "the Participating States").

**WHEREAS THE PARTICIPATING STATES RECOGNISE THAT:-**

1. The 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention together provide a global legal framework for the protection of children in cross-border situations.
2. The 1980 Hague Child Abduction Convention is principally concerned with whether a child, wrongfully removed from or retained outside his / her State of habitual residence, should be returned to that State. A return order is not a custody determination. It is an order that the child be returned to the jurisdiction which is most appropriate to determine custody and access

<sup>1</sup> Full title: the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*

<sup>2</sup> Full title: 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*

matters. Article 19 of the 1980 Hague Child Abduction Convention states that a return decision is not a decision on the merits of any custody issue.

3. The 1980 Hague Child Abduction Convention does not contain specific provisions on the enforcement of return orders made under the Convention. States Parties must therefore enforce return orders according to their own national law and procedures. In some States national law does not provide specific mechanisms or procedures for the enforcement of return orders made under the 1980 Hague Child Abduction Convention. This can cause delays and difficulties with the enforcement of such orders.
4. Judges with more experience in cases concerning the 1980 Hague Child Abduction Convention are generally better able to deal with complex aspects of such cases and understand the need for sensitivity in dealing with such cases. Limiting the number of courts / judges that are competent to hear cases under the 1980 Hague Child Abduction Convention ('concentrating jurisdiction') enables judges to establish such an expertise quickly. In some States, constitutional reasons may prevent the concentration of jurisdiction (e.g., in the USA). In such instances, training should be given to judges dealing with these cases.
5. When dealing with cases under the 1980 Hague Child Abduction Convention, Judges should receive thorough and complete information regarding the case. The involvement of all parties – parents, as well as juvenile welfare officers, and children's advocates (generally an attorney with a special interpreter) – is therefore crucial.
6. The following matters raise particular challenges under the 1980 Hague Child Abduction Convention:
  - (a) Discovering the whereabouts of a child and taking parent and, once located, ensuring that a further removal does not occur;
  - (b) The requirement for expedition in return proceedings (and, in particular, the six-week time period for a return decision - Article 11);
  - (c) The requirement to attempt to secure the voluntary return of a child (Article 10) and the need to ensure such attempts do not delay matters;
  - (d) The exceptions to return under the 1980 Hague Child Abduction Convention (Article 13);
  - (e) Which authority should determine issues regarding the enforcement of return orders.
7. Of the Participating States:
  - (a) The Ukraine noted that relevant changes have been made to their Civil Procedure Code to implement the 1980 Hague Child Abduction Convention. Further, the Ministry of Justice has been designated as the Central Authority under both the 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention. Some changes have been made to Ukrainian law to concentrate jurisdiction in cases under the 1980 Hague Child Abduction Convention. Cases under the 1980 Hague Child Abduction Convention are dealt with in the relevant district courts in accordance with the geographic location of the office of the relevant Ministry of Justice.
  - (b) In Moldova the designated Central Authority is the Ministry of Labour, Social Protection and Family.

**THE PARTICIPATING STATES CONCLUDE AND RECOMMEND THAT:-**

#### A. *The 1980 Hague Child Abduction Convention*<sup>3</sup>

1. Ratification of, or accession to, the 1980 Hague Child Abduction Convention should be preceded, or followed immediately by full and effective implementation of the provisions of the Convention at a national level. National legislation or the development of national procedural rules will usually be required to ensure that effective procedures are in place in order that Convention obligations can be met.
  - i. The 1980 Hague Child Abduction Convention does not specify the method by which the Convention should be implemented. Implementation can occur through administrative or legislative action.
  - ii. When considering how best to implement the Convention, reference should be made to the *Guide to Good Practice under the 1980 Hague Child Abduction Convention – Part II – Implementing Measures*.
2. Full and effective implementation of the Convention requires that an efficient Central Authority be established. The careful selection of a Central Authority is crucial. The Central Authority designated by a State Party should be the body in the State best placed to deal with the specific requirements of the Convention. States should consider the ability of the proposed body to respond quickly and efficiently to requests under the Convention. States should also consider whether the authority has the requisite competence to act in accordance with the requirements of the Convention. The body selected should also be able to deal with the sensitivity of Convention cases and be able to work in an international environment.
3. Expedition is essential at all stages of the Convention process, including at the appeal and enforcement stage. Delays (in court or enforcement procedures) will usually negatively affect the outcome of a case. Participating States should ensure that implementing measures take into account the requirement of expedition in the Convention.
4. Consideration should be given to the advantages that can be gained by concentrating jurisdiction in Convention cases (such as has been done in Germany, the UK and other States Parties to the 1980 Hague Child Abduction Convention).
5. Effective access to Convention procedures should be ensured. In States Parties which have not made a reservation to Article 26(3), implementing measures should ensure the availability of appropriate legal advice. States which have made such a reservation to the Convention may encourage private practitioners to offer independent, private representation to qualified applicants on a reduced fee or pro bono basis. Regardless of a reservation to Article 26(3), implementing measures should provide for timely and effective access to the court or administrative tribunal.
6. Careful consideration should be given to establishing effective enforcement procedures in relation to return orders. Reference should be made to the *Guide to Good Practice under the 1980 Hague Child Abduction Convention – Part IV – Enforcement* (published October 2010). States should give consideration as to whether the enforcement / execution of return orders should be under the supervision of a court / judge, with higher instance courts executing orders *ex officio*. Coercive enforcement should be avoided wherever possible.
7. Mechanisms should be developed to promote agreement between parties in Convention cases (e.g., mediation structures). However, States must ensure that efforts to promote agreement between parties in Convention cases do not unduly delay the decision as to whether to return the child.

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<sup>3</sup> References to 'the Convention' in Part A are to the 1980 Hague Child Abduction Convention.

8. Effective procedures should be put in place which provide for the rapid location of a child.
9. It should be ensured that the State authority determining the Convention application is able to take provisional measures (interim measures), where necessary, for the protection of the child.
10. Appropriate measures should be put in place to prevent abduction. Reference should be made to the *Guide to Good Practice under the 1980 Hague Child Abduction Convention – Part III – Preventive Measures*.
11. Training should be provided on an ongoing basis to all those involved in the operation of the Convention. Awareness of the provisions and underlying objectives of the Convention amongst the authorities involved in Hague return cases is one of the keys to the successful operation of the Convention.
12. Public awareness of the provisions and underlying objectives of the Convention is crucially important. Ongoing efforts must be made to educate the public in this regard.
13. Newly acceding States to the 1980 Hague Child Abduction Convention should ensure that they inform other States Parties forthwith of the measures that have been taken in their State to ensure the full and effective implementation of the Convention. This will encourage other States Parties to declare their acceptance of the accession (Article 38). The Standard Questionnaire for Newly Acceding States is recommended for this purpose and is available online at [http://www.hcch.net./index\\_en.php?act=publications.details&pid=938](http://www.hcch.net./index_en.php?act=publications.details&pid=938).
14. Where possible, Participating States who are States Parties to the 1980 Hague Child Abduction Convention are encouraged to designate a Liaison Judge to join the International Hague Network of Judges.

*B. The 1996 Hague Child Protection Convention*

15. Where they have not done so, Participating States are encouraged to ratify the 1996 Hague Child Protection Convention, in addition to the 1980 Hague Child Abduction Convention.

## II. CONCLUSIONS & RECOMMENDATIONS RELATING TO THE DISCUSSIONS ON THE HAGUE INTERCOUNTRY ADOPTION CONVENTION<sup>4</sup>

The seminar sub-group concerning the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption Convention ("Hague Intercountry Adoption Convention") consisted of experts from all of the Participating States. All States apart from Ukraine are parties to the Intercountry Adoption Convention.

### **The participating States recognise that:-**

1. The purpose of the Convention is to establish minimum standards for the protection of children; to establish a legal framework for co-operation between authorities in the States of origin and in the receiving States; to prevent the abduction, the sale of, or traffic in children, and to eliminate various abuses associated with intercountry adoption; to secure the automatic recognition of Convention adoptions in all other Convention countries; and to reinforce and expand the adoption principles of the United Nations Convention on the Rights of the Child (CRC) in Article 21.
2. The adoption principles of the CRC mentioned above relate to the following aspects of intercountry adoption: the best interests of the child, subsidiarity, co-operation, competent authorities and safeguards. The effective implementation of these principles through the Hague Intercountry Adoption Convention provides a firm foundation on which to develop good practices in intercountry adoption."
3. The best interests of the child is the most important principle and it should guide all decisions concerning the child who may be affected by an intercountry adoption. Adoptions should only take place in the best interests of the child and with respect for his or her fundamental rights. Relevant factors to determine what is in a child's best interests include: a family in the home country should be sought first (i.e. apply the principle of subsidiarity); investigate the child's origins before he or she is declared adoptable; preserve information about the child and his/her parents; evaluate thoroughly the prospective adoptive parents and prepare them for intercountry adoption; match the child with a suitable family; impose additional safeguards if necessary.
4. The application of the subsidiarity principle is an effective way to protect the interests of a child who is without parental care. The starting point of the subsidiarity principle is that a child should be raised by his or her birth family or extended family whenever possible. When that is not possible, suitable permanent care in the country of origin should be considered before seeking a solution through intercountry adoption. In some cases, intercountry adoption may be agreed as the best solution for a particular child. A permanent home abroad is, in most cases, preferable to a temporary home or institutional care in the country of origin. As a general rule, institutional care is the last resort because of the negative effects it may have on a child's development.
5. The principle of co-operation is a cornerstone of the Hague Intercountry Adoption Convention. It requires that Contracting States establish structures and procedures for co-operation at a number of different levels. There will be co-operation at the international level, between States and between Central Authorities. There will also be co-operation at the national level, within a State, between various ministries, authorities, bodies and agencies who are all stakeholders in the intercountry adoption process and who need to work together to ensure the adoption system functions effectively and safely. Co-operation, whether at the international or the national level, may be about

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<sup>4</sup> Full title: the *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*

adoption policies and practices, or Convention procedures, or it may be co-operation to prevent abuses and avoidance of the Convention.

6. Competent authorities must be designated and authorised to perform Convention functions. Competent authorities include Central Authorities and accredited bodies and the Hague Inter-country Adoption Convention specifies their functions. The Convention also requires that certain other functions be performed by competent authorities but allows each Contracting State to decide which authority will be given the responsibility for those functions.
7. The principle of safeguards requires that Contracting States establish safeguards to prevent abduction, sale and trafficking in children for adoption. Safeguards include the following examples: developing and enforcing good laws to prevent illegal and unethical activity; protecting birth families from exploitation and undue pressure; combating the illegal or illicit procurement of children; preventing improper financial gain and corruption; regulating adoption agencies by a system of accreditation; regulating activities of intermediaries.
8. When the principles outlined above are followed, in conjunction with the procedures in the Hague Inter-country Adoption Convention, it is possible to say that the necessary legal and administrative framework exists which will guarantee the best interests of a child who is the subject of inter-country adoption.
9. There are particular challenges for the region. These include: pressure from Receiving States; the need to establish an efficient Central Authority; the need for financial regulation of inter-country adoption; control of foreign adoption agencies; the need to establish that the child is genuinely adoptable; post adoption reports and guarantees; children with special needs; life in an institution as a last resort.
10. In the case of Ukraine, opposition in the State legislature has prevented Ukraine from joining the Hague Inter-country Adoption Convention. Opponents of the Convention believe that inter-country adoption mainly benefits Receiving States, that inter-country adoption has a negative impact on domestic adoption, that there is a lack of post adoption supervision for the child, and that adoption agencies that work on commercial basis do not function within the framework of the Convention. For these reasons Opponents of the Convention did not accept the recommendations of a Parliamentary Working Group that Ukraine should join the Convention. It is noted that the Committee on the Rights of the Child and UNICEF support the 1993 Hague Inter-country Adoption Convention as the appropriate legal framework for inter-country adoption and regularly recommend that States join the Convention.
11. Certain Convention safeguards are not applied when adoptions occur involving non-Convention States. For example, a foreign adoption agency is not required to be accredited according to convention standards; Receiving States or their Central Authorities may not have full control or supervision over the adoption process as they do for Convention adoptions. These concerns underscore the importance of joining the Convention.

**The participating States make the following conclusions and recommendations:**

**A. Concerning challenges for the region:**

12. Pressure from Receiving State and adoption agencies may be intense. States of origin may be overwhelmed by such pressure and feel powerless to resist it. States of origin should take all appropriate measures to manage such pressures

by limiting the number of their adoption partners and by ensuring that the safeguards are applied effectively. If inappropriate pressures continue, States of origin may consider terminating adoption arrangements with a Receiving State or withdrawing the authorisation of an adoption agency.

13. An efficient Central Authority is an essential part of the Convention framework. The Central Authority should be established with the necessary powers and resources to perform its obligations and responsibilities. It is an important point of contact for facilitating administrative cooperation between countries; it must also promote co-operation among national agencies; it must take measures to prevent improper financial gain; to provide information about the adoption process; and it must perform procedural functions under the Convention which are not delegated to competent authorities or accredited bodies, for example, give agreement that an adoption may proceed in accordance with Article 17.
14. The financial aspects of intercountry adoption must be regulated. Art 32 of the Hague Intercountry Adoption Convention and Art 21(d) of the CRC provide that measures should be taken to prohibit improper financial gain by those involved in the adoption process. Such measures may include: imposing and enforcing severe penalties on illegal activity; ensuring transparency and accountability related to the financial aspects of the adoption process; and separating humanitarian aid and donations made by receiving states from intercountry adoptions.
15. Foreign adoption agencies should be licensed (accredited) and regulated in a manner consistent with the Convention. Adoption agencies which perform Convention adoptions must be accredited according to Convention standards (Articles 10, 11 and 32). The process of accreditation of bodies is one of the Convention's safeguards to protect children in adoption.
16. A foreign adoption agency wishing to perform intercountry adoptions in a State of origin must obtain an authorisation from both the State of Origin and the Receiving State (Article 12). States of origin should be careful when giving such authorisation, be very selective and choose only the most professional, ethical agencies. Once accredited and authorised, agencies should report regularly on their activities to authorities in both countries.
17. Before an adoption occurs, a competent authority should establish whether the child is genuinely adoptable (Article 4). A decision on adoptability requires proper, accurate documentation on the child's background and origins. There should be documentation of any medical condition or other special needs. The legal, psychological, social and medical aspects of adoptability should be taken into account.
18. Supervision of an adopted child should be carried out by the Receiving State and not by the State of Origin. The Receiving State is responsible for the welfare of the adopted child.
19. Better pre-adoption preparation of the child and parents may prevent post-adoption problems.
20. Special-needs children need special parents; adoptive parents should have special skills to take care of these children. The capacity of adoptive parents to care for a special needs child must be part of the preliminary evaluation of the prospective adoptive parents in the Receiving State. The authorities in the State of origin, when matching the child with the selected parents, must be aware of the adoptive parents' capacity to care for the child.
21. Institutional care has a negative effect on the children and should in most cases be considered a measure of last resort.

## **B. Concerning the implementation and operation of the Convention**

22. The Hague Intercountry Adoption Convention is a co-operation convention which establishes only minimum standards for intercountry adoption. States Parties may apply any necessary additional safeguards beyond those outlined in the Convention. States of origin therefore have the power to require (through bilateral arrangements) any post- adoption monitoring and reports that are necessary to meet the requirements of their national law.
23. There is no obligation under the Convention to engage in intercountry adoption. The Participating States acknowledge that Convention neither promotes nor prevents intercountry adoptions. However, when intercountry adoptions do occur, the Convention rules must be followed in order to protect the children and families involved.
24. States Parties to the Convention (and all other States) are encouraged to use the official Guides to Good Practice of the Hague Conference:
- No 1 : *The Implementation and Operation of the 1993 Intercountry Adoption Convention* (soon available in Russian)
  - No 2 : *Accreditation and accredited bodies ; General Principles and Guide to Good Practice* (draft guide approved in principle by the Special Commission 2010; revisions in progress)
  - No 3 : Selection, counselling and preparation of prospective adoptive parents (to be prepared in accordance with a recommendation of the Special Commission 2010)
25. The Hague Conference Centre for Technical Assistance and Judicial Studies is able to assist states if they need help implementing or complying with the Convention. States in the region are encouraged to request assistance if needed for any issues concerning the implementation and operation of the Convention.
26. Judges in States of Origin may benefit from additional training on the operation of the Hague Intercountry Adoption Convention, in particular on the ways in which abuses of the Convention may be prevented by judicial intervention.
27. Intercountry adoption should be a child focused procedure. States should ensure that the Convention procedures are used to choose adoptive parents who can meet the needs of the child rather than choosing a child to meet the needs of adoptive parents (“a family for a child and not a child for a family”).
28. States in the region are encouraged to establish a network of Central Authorities that could have regular meetings to exchange experiences, share best practices and provide each other with support. Such networks already exist in Europe, Latin America, and Scandinavia, and among English-speaking States.
29. Research related to the experience of adopted children should be undertaken to establish whether or not they have adapted and have integrated into the society of Receiving States in order to determine whether the adoption experience was positive.

### III. CONCLUSIONS & RECOMMENDATIONS RELATING TO THE DISCUSSIONS ON THE APOSTILLE CONVENTION<sup>5</sup>

1. The Participating States recall the relevance of, and express their willingness to adhere to, Conclusions & Recommendations No 66-100 of the Special Commission of 2009.
2. In particular, the Participating States welcome the Convention's very wide use and effectiveness, and the absence of any major obstacle to its practical operation. Against this background, the Participating States recommend strongly that States Parties to the Convention continue to promote the Convention to non Contracting-States, in particular, to non-Contracting States in their region.
3. The Participating States note that the "Apostille Section" of the Hague Conference website is a very helpful source of current practical information relating to the Apostille Convention. The Participating States strongly encourage States Parties to provide the Permanent Bureau with regular updates of information relating to their State which is available in the "Apostille Section" (in particular, as to full contact details of the Competent Authorities, the procedures for issuing an Apostille or any other relevant practical information).
4. Keeping in mind the purpose of the Convention, the Participating States suggest that States Parties to the Convention give a broad interpretation to the category of public documents.
5. The Participating States recall that the purpose of the Apostille Convention is to abolish the requirement of legalisation and to facilitate the use of public documents abroad. The Participating States also recall that according to Article 3(2), no Apostille may be required when either the laws, regulations, or practice in force in the State of destination, or a treaty or other agreement in force between the State of origin and the State of destination has abolished or simplified the requirement of an Apostille or exempted the document from any legalisation requirement.
6. The Participating States recall the limited effect of an Apostille. An Apostille only authenticates the origin of the public document to which it relates and not its content (reliability or accuracy). It is not the responsibility of the Competent Authorities to assess the content of public documents for which they are requested to issue an Apostille. The acceptance, admissibility and probative value of apostilled public documents, however, remain subject to the law of the State of destination.
7. The Participating States remind States Parties to the Convention of the importance of assessing the genuine character of all documents presented as public documents to the Competent Authorities for the issuance of an Apostille.
8. The Participating States agree to assess the possibility of adding to their Apostille Certificates, outside the box with the 10 standard items, the model text provided by the Permanent Bureau and which reads as follows:

This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears.

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<sup>5</sup> Full title: *Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*

This Apostille does not certify the content of the document for which it was issued.

[This Apostille is not valid for use anywhere within [insert the name of the State of issuance, incl. where possible and relevant, the territories to which the Apostille Convention has been extended].]

[To verify the issuance of this Apostille, see [insert the URL of the e-Register].]

9. The Participating States recall that the Convention applies to public documents “which have been executed in the territory of one Contracting State and which have to be produced in the territory of another Contracting State” (Art. 1(1)). In order to assist applicants and avoid unnecessary delays and complications in producing the public document abroad, the Participating States note that it is often helpful for Competent Authorities to inquire about the State of destination of the public document to be apostilled.
10. With a view to facilitating the circulation of Apostilles, and keeping in mind that an Apostille is designed to produce effects abroad, the Participating States encourage States to consider that, in addition to a language used by the State of origin, if not English or French, the 10 standard items of an Apostilles also be inserted and completed in one of these languages.
11. The Participating States encourage the use of methods that would evidence any tampering with the method of affixation.
12. The Participating States recognise the importance of the electronic Apostille Pilot Program (e-APP) as a means for a more effective and secure operation of the Convention and will actively assess the possibility of implementing one or both of its components.
13. The Participating States encourage Competent Authorities to use modern technologies as much as possible to fill out their Apostilles, as opposed to merely filling them out by hand.

#### **IV. CONCLUSIONS & RECOMMENDATIONS RELATING TO THE DISCUSSIONS ON THE SERVICE<sup>6</sup> AND EVIDENCE<sup>7</sup> CONVENTIONS**

**The Participating States note the following preparations should be made in the short term by States considering becoming Party to the Service and Evidence Conventions:**

1. Consider the advantages of States becoming Party to the Conventions and prepare proposals for decisions to be taken to that end.
2. Review internal law, including codes of civil procedure, with a view to identifying what provisions might be implemented in internal law as to appropriate proceedings for service and taking evidence abroad having regard to Convention procedures and in accordance with Convention provisions.
3. Consider where, in the event of becoming Party to the Conventions, the functions of Central Authority under the Conventions should be discharged where the Central Authority should be situated and to whom it should be responsible.
4. Further to objective 3) to determine the relative functions of the Ministry of Justice/Central Authority/Courts and other relevant authorities centrally and locally as regards responsibility for implementation of Convention procedures with a view to considering the appropriate degree of devolution of responsibility to such authorities locally so as to ensure compliance with and swiftness and efficiency in the discharge of Convention functions.
5. Consider the need for and possible content of desk instructions for the functioning of the two Conventions in the light of such devolution of functions notably to include specific performance objectives in particular as to realistic time limits for completion of Convention procedures.
6. Develop training strategies at national and local level using all available materials, including the desk instructions and any relevant documentation issued by the Hague Conference, and to involve the relevant Departmental officials and Court staff as well as Judges, legal practitioners and other relevant professional groups including, if possible, judicial officers.
7. Develop and compile relevant information for placing eventually on the web-site of the Hague Conference as to specific issues regarding the practical operation in each relevant State of the Conventions notably names, phone numbers and e-mail addresses of responsible officials, specific requirements as to service within States and taking of evidence in the Courts.

**The Participating States note the following steps should be taken in the medium to long term as regards implementation and functioning of the Conventions after becoming a Party thereto:**

8. Establish and compile material for an English language web-site for Justice Ministries complementary to the work suggested under item 7.
9. Explore the possibility of producing as soon as reasonably possible a translation into the national languages and thereafter dissemination of the Practical Handbook on the Operation of the Service Convention and eventually of the Evidence Convention.

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<sup>6</sup> Full title: *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*

<sup>7</sup> Full title: *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*

10. Review and consider changing internal law/procedures for serving documents and, possibly, taking of evidence to provide a wider range of options and to reflect the flexible approaches indicated in various conclusions of the Special Commissions of the Hague Conference (see below).
11. In this connection, and in general, consider carefully the need for Declarations and Reservations notably as regards Article 10 of the Service Convention and Articles 17 and 23 of the Evidence Convention, having regard to the conclusions, in particular on the latter, following the 2003 and 2009 Special Commissions.
12. Determine a policy as to use of and the relationship among the various existing instruments applicable to Service and Evidence matters, giving priority when necessary to use of the Hague instruments but also to considering possible conclusion of bilateral agreements as to language requirements (see Art. 20(b) of the Service Convention and Art. 28(b) of the Evidence Convention).
13. Further develop discussions/bilateral relationships with, say, two/three key partner States on an assessment of actual or likely flows of cases under the Conventions, as to closer co-operation, the sharing of expertise and the development of new techniques notably in the use of IT technology and civil procedures.
14. Identify suitable partners, including States party to the Conventions and international organisations, to develop regional training exercises of mutual benefit to relevant officials, judges and practitioners as regards the opportunities available for extending knowledge of and improving the functioning of the Conventions and so as to develop a common point of view as regards the terms used in and the implementation of the Conventions.

**General Conclusions and Recommendations:**

15. Consider the piloting of, *inter alia*, the delegation of functions and use of IT, notably the capacity to use video-conferencing as a way of gaining experience and making good use of scarce resources, choice of location/s to be based on such objective factors as demand and volume of business and training and availability of suitably skilled and experienced personnel as well as resources, for example for installation of IT and other equipment.
16. Explore with the Permanent Bureau of The Hague Conference and any other interested partner/s the possibility of organising [jointly] a seminar/conference or seminars/conferences to follow up the Conference just concluded; and finally -
17. States which are not yet party to the Conventions are called upon to make up their minds as regards accession thereto for the benefit of their citizens.