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HAGUE CONFERENCE ON
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CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

PROGRAMME DE LA SIXIÈME RÉUNION DE LA COMMISSION SPÉCIALE SUR L'EXAMEN DU FONCTIONNEMENT PRATIQUE DE LA CONVENTION DE LA HAYE DU 25 OCTOBRE 1980 SUR LES ASPECTS CIVILS DE L'ENLÈVEMENT INTERNATIONAL D'ENFANTS ET DE LA CONVENTION DE LA HAYE DU 19 OCTOBRE 1996 CONCERNANT LA COMPÉTENCE, LA LOI APPLICABLE, LA RECONNAISSANCE, L'EXÉCUTION ET LA COOPÉRATION EN MATIÈRE DE RESPONSABILITÉ PARENTALE ET DE MESURES DE PROTECTION DES ENFANTS

établi par le Bureau Permanent

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PLANNING FOR 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

drawn up by the Permanent Bureau

Document préliminaire No 14 de février 2011 à l'intention
du Conseil d'avril 2011 sur les affaires générales et la politique de la Conférence

Preliminary Document No 14 of February 2011 for the attention
of the Council of April 2011 on General Affairs and Policy of the Conference

Permanent Bureau | *Bureau Permanent*
6, Scheveningseweg 2517 KT The Hague | *La Haye* The Netherlands | *Pays-Bas*
telephone | *téléphone* +31 (70) 363 3303 fax | *télécopieur* +31 (70) 360 4867
e-mail | *courriel* secretariat@hcch.net website | *site internet* http://www.hcch.net

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1. Information Document No 1, which was sent to Members and Contracting States to the 1980 and 1996 Hague Conventions in November 2010 by way of circular letter L.c. ON No 37(10), and is available on the Hague Conference website at < www.hcch.net > under "Work in Progress" then "Child Abduction", provides general information about the preparations being made for the Sixth Meeting of the Special Commission.

2. The Information Document proposes that, because of the heavy agenda and following suggestions made at the meeting of the Council on General Affairs and Policy of the Conference of April 2010, the meeting of the Special Commission should take place in The Hague in two parts. The dates for the two parts are as follows:

- Part I: 1 to 10 June 2011;
- Part II: 24 January to 1 February 2012 (tentative).

3. Information Document No 1 suggests a rough division of subject matters between the two parts. Part I will focus on the review of the practical operation of the 1980 and 1996 Hague Conventions, judicial networking and communications and mediation. It is hoped that the session will also see the completion of work on the Guide to Good Practice on Mediation under the 1980 Hague Convention, and on the Practical Handbook for the 1996 Hague Convention. The following is the Permanent Bureau's suggestion for an outline agenda for Part I:

Wednesday 1 June to Friday 3 June 2011	Review of the practical operation of the 1980 Hague Convention
Saturday 4 June (half day) and Monday 6 June 2011	Consideration of the 1996 Hague Convention and the draft Practical Handbook
Tuesday 7 June 2011	Judicial networking, and direct judicial communication
Wednesday 8 June and Thursday 9 June 2011	Consideration of the draft Guide to Good Practice on Mediation under the 1980 Hague Convention, and the Principles on Mediation developed within the Malta Process
Friday 10 June 2011 (until noon)	Conclusions and Recommendations

4. Part II of the meeting will have as its principal focus the question of the feasibility and desirability of a protocol to the 1980 Hague Convention, and will also consider the subjects of international family relocation, the future of the Malta Process and the role of the Permanent Bureau in supporting and monitoring the 1980 and 1996 Conventions.

5. There will necessarily be some overlap in the matters discussed in Parts I and II. For example, within Part I some elements proposed for the Guide to Good Practice on Mediation or arising from the discussions on judicial communications, or indeed from the review of the practical operation of the two Conventions, may need to be considered again in Part II in the context of discussions on a possible protocol to the 1980 Hague Convention. By the same token, the question of whether binding rules are needed on certain matters may arise already in discussions during Part I, *e.g.*, regarding cross-border judicial communications or mediation. However, the main discussions on the question of a possible protocol (*i.e.*, whether binding rules are needed) would take place in an integrated way in Part II.

6. A number of preparatory steps have already been taken as follows:

(a) the Questionnaire concerning 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* (Prel. Doc. No 1) was circulated to Members and Contracting States in November 2010;

(b) the Questionnaire on the Desirability and Feasibility of a Protocol to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (Prel. Doc. No 2) was circulated in December 2010;

(c) a third global statistical survey is underway on applications under the 1980 Hague Convention coming before Central Authorities in 2008 (undertaken by Professor Nigel Lowe and Ms Victoria Stephens of Cardiff University, Wales);

(d) a standardised Country Profile under the 1980 Hague Convention has now been finalised. Contracting States are being asked to complete this, and the information obtained in this way will provide an essential background to the review of the practical operation of the Convention;

(e) work on the draft Guide to Good Practice on Mediation under the 1980 Hague Convention is being completed by the Permanent Bureau, assisted by a group of experts who met in The Hague on 17 and 18 February 2011;

(f) other documents are in preparation by the Permanent Bureau including a report on judicial communications and the draft Practical Handbook on the 1996 Hague Convention.

7. Invitations to participate in the Special Commission meeting have been sent to Members of the Hague Conference (71 States and the European Union), Contracting States to the 1980 and 1996 Hague Conventions (an additional 22 States),[1] as well as to 18 States[2] which are known to have an interest in one or both of the Conventions. Invitations have also been extended to certain international governmental (17) and non-governmental (18) organisations.

8. A number of the States invited to attend the Special Commission will need assistance to support the travel and accommodation costs of experts. This is a matter which has already been referred to in the Supplementary Budget (see Prel. Doc. No 9 A).

9. The costs of interpretation in Spanish for Part I of the meeting, as well as some of the document translation costs, have already been covered by a generous donation from the Government of Spain. Efforts are continuing (particularly among the Spanish speaking countries) to raise the additional funding needed to cover the costs of interpretation in Spanish for Part II of the meeting, as well as for translation of further documents.

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[1] Armenia, Bahamas, Belize, Burkina Faso, Colombia, Dominican Republic, El Salvador, Fiji, Gabon, Guatemala, Honduras, Moldova, Republic of, Nicaragua, Saint Kitts and Nevis, San Marino, Seychelles, Singapore, Thailand, Trinidad and Tobago, Turkmenistan, Uzbekistan and Zimbabwe.

[2] Algeria, Bangladesh, Bhutan, Ghana, Indonesia, Kenya, Lebanon, Lesotho, Libya, Malawi, Namibia, Oman, Pakistan, Qatar, Saudi Arabia, Tunisia, Uganda and Zambia.