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**PROJETS RELATIFS AUX CONVENTIONS SUR LES ENFANTS,
LES ALIMENTS, LES ADULTES ET LA COHABITATION
PROGRAMME POUR 2003-2005**

Note établie par le Bureau Permanent

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**PROJECTS CONCERNING THE CHILDREN'S CONVENTIONS,
MAINTENANCE, ADULTS AND COHABITATION
PLANNING FOR 2003-2005**

Note submitted by the Permanent Bureau

*Document préliminaire No 4 de mars 2003
à l'intention de la Commission spéciale d'avril 2003
sur les affaires générales et la politique de la Conférence*

*Preliminary Document No 4 of March 2003
for the attention of the Special Commission of April 2003
on General Affairs and Policy of the Conference*

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INTRODUCTION

The recent Special Commission of September / October 2002 on the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* marked the successful completion of the first two parts of the Guide to Good Practice under the 1980 Convention and set in train work towards further elements of the Guide (on Preventive Measures, Access / Contact and Enforcement). The Commission authorised further study on direct judicial communications in the context of the 1980 Convention, and on the problems of abduction and contact / access in relation to certain non-Hague States. The general review Special Commission of March 2001 had already endorsed the development of the International Child Abduction Database (INCADAT), the initiation of the International Child Abduction Statistical Database (INCASTAT), the publication of the Judges' Newsletter on International Child Protection, as well as the work carried out by the Permanent Bureau in support of judicial training and networking.

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 of November 2000 and planning for the next general review session of the Convention (in late 2004, if the 4-year cycle is maintained) needs to begin now. As for 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*, further efforts are needed to draw the merits of the Convention to the attention of States through publicity and the Permanent Bureau is considering what can be done to assist and support the States (including EU States) which are now contemplating ratification or accession. The same is true, with less immediate urgency, for the *Hague Convention of 13 January 2000 on the International Protection of Adults*.

The work on developing the new world-wide Convention on the international recovery of child support and other forms of family maintenance is now underway, with the first Special Commission meeting due to be held in May 2003.

The research of the Permanent Bureau on cohabitation outside marriage, which is on the agenda of the Conference without priority, needs to be updated for consideration at a future meeting of the Special Commission on General Affairs and Policy of the Conference.

All of this represents an extensive programme of work for the Permanent Bureau over the coming years. This document is a draft plan of action for the next two to three years. It sets out a timetable for the various projects and comments on the sources of funding for each project.

PROJECT	TIMELINE	BUDGETARY COMMENTS
<i>The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction</i>		
1. The Guide to Good Practice under the 1980 Convention		The project was initially supported by funding from the United Kingdom (England and Wales) and the secondment for one year of a Principal Legal Officer from Australia. During the Financial Year 2002-2003 funding has been received from the United States and Canada and a judge has been seconded for 6 months from Germany.
a) Preparation of Part I (Central Authority Practices) and Part II (Implementing Measures) for publication	Revisions completed and submitted to delegates for comments; both revised Chapters have been published on the website. Publication in hard copy in Spring 2003.	See Supplementary Budget 2002-2003, Article 7(f). (Preliminary Document No 2).
b) Preparation of Report on Preventive Measures	Preliminary report and questionnaire completed; consultative group established. Meeting of consultative group in Autumn 2003; completion of report by late Autumn 2003.	See Supplementary Budget 2003-2004, Article 7.
c) Preparation of Chapters of the Guide on Access/Contact, and a set of 'principles and considerations' relating to transfrontier access/contact	Work on preliminary draft and establishment of a consultative group Spring 2003. Possible meeting of consultative group Autumn 2003. Report completed by early 2004.	See Supplementary Budget 2003-2004, Article 7.
d) Preparation of Report on Enforcement of return orders / access orders	Research and consultation during 2003. Report to be completed in time for consideration by the Fifth Special Commission to review the operation of the 1980 Convention in Spring 2005.	See Supplementary Budget 2003-2004, Article 7.
2. Establishment of INCASTAT		The Government of Canada has been the major sponsor of this project. Support has also been given by WorldReach Software of

PROJECT	TIMELINE	BUDGETARY COMMENTS
		Canada.
a) Modification of 'iChild' database for use by Central Authorities to manage cases under the 1980 Convention	Initial report and consultations with WorldReach Software completed. Ongoing discussions with Central Authorities through June 2003. Preparation of a comprehensive proposal for Central Authorities in Autumn 2003.	See Supplementary Budget 2003-2004, Article 6.
b) Modification / supplementation of 'iChild' for use as a statistical database	Ongoing consultations with WorldReach Software.	See Supplementary Budget 2003-2004, Article 6.
c) Examination of issues (technical, liability and cost) for the Permanent Bureau	Research through 2003. Preliminary Report in Spring 2003.	See Supplementary Budget 2003-2004, Article 6.
3. Maintenance and improvement of INCADAT		Member States which have so far contributed to the development of INCADAT are Austria, Canada, China (HKSAR), Finland, Korea, the Netherlands, New Zealand, Norway, Switzerland, United Kingdom (England and Wales, Northern Ireland, Scotland) and the United States of America. The project was initiated with support from Foundations in the Netherlands.
a) Continued expansion of the substantive legal coverage	Ongoing	See Supplementary Budget 2003-2004, Article 5.
b) Modification of the database to increase user-friendliness	Ongoing	See Supplementary Budget 2003-2004, Article 5(a).
c) Co-operation with INCADAT Correspondents	Ongoing Possible INCADAT Correspondent Meeting in Autumn 2003.	See Supplementary Budget 2003-2004, Article 5(f).

PROJECT	TIMELINE	BUDGETARY COMMENTS
4. The Judges' Newsletter on International Child Protection		This project has been supported by Butterworths Legal Publishers, and the Government of Canada has contributed to translation costs.
a) Consultation with Editorial Board; soliciting material; writing and editing; co-ordination with publisher; maintenance of distribution list	Regular bi-annual publication: Autumn 2003, Spring 2004.	See Supplementary Budget 2003-2004, Article 8.
b) Translation costs	Regular bi-annual publication: Autumn 2003, Spring 2004.	See Supplementary Budget 2003-2004, Article 8(a).
5. Direct Judicial Communications		
a) Formal consultations with Member States; informal consultations with interested judges, including through judicial seminars; examination of practical mechanisms and structures of a network of contact points.	Ongoing Completion of the Final Report in Summer 2004.	See Supplementary Budget 2003-2004, Article 8(b) and (c).
b) Inventory of existing practices, with the advice of a consultative group of experts	Summer 2004	See Supplementary Budget 2003-2004, Article 8(b).
6. Judicial Conferences Child Abduction / Access		
a) Germany / US and others: Organisation, preparation of scientific programme, participation	October 2003	To be funded by participant States. See <i>also</i> Supplementary Budget 2003-2004, Article 8(c).
b) Canada and others: Advice on organisation and scientific programme, participation	Summer 2004	To be funded by participant States. See <i>also</i> Supplementary Budget 2003-2004, Article 8(c).

PROJECT	TIMELINE	BUDGETARY COMMENTS
7. Islamic States Seminar		
Secure support, organisation, preparation of scientific programme, participation	February 2004	See Supplementary Budget 2003-2004, Article 9.
<i>The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption</i>		
8. Establishment of ICASTAT	See INCASTAT above.	See Supplementary Budget 2003-2004, Article 9.
9. Preparation of organigram for Intercountry Adoption		
a) Piloting and consultation of draft forms with selected Central Authorities	Spring 2003	
b) Completion and circulation to all Central Authorities	Summer 2003	
10. Preparation of annual statistical forms for Intercountry Adoption		
a) Consultation of draft with selected Central Authorities	Spring 2003	
b) Completion and circulation to all Central Authorities	Summer 2003	
11. Preparation for the next general review of the 1993 Convention		
a) Formulate and administer questionnaire	Summer 2003	
b) Preparation of report on the functioning of the Convention	Summer 2004	
c) Preparation of a Guide to Good Practice for Central Authorities	Summer 2004	See Supplementary Budget 2003-2004, Article 10(c).

PROJECT	TIMELINE	BUDGETARY COMMENTS
d) Preparation of a Guide to Good Practice on Implementing Measures	Summer 2004	See Supplementary Budget 2003-2004, Article 10(c).
<i>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</i>		
12. Promotion of the 1996 Convention		
a) Preparation of an explanatory/publicity document	Autumn 2003	See Supplementary Budget 2003-2004, Article 3.
b) Organisation of meeting to discuss implementation issues	Autumn 2003	See Supplementary Budget 2003-2004, Article 11.
<i>General Information: The Hague Children's Conventions</i>		
13. Preparation of a brochure on the Children's Conventions	Summer 2003	See Supplementary Budget 2003-2004, Article 3.
14. Preparation of a Child's Guide to the 1980 Convention	Summer 2003	See Supplementary Budget 2003-2004, Article 3.
15. Review of services provided by the Permanent Bureau to Central Authorities under the 1980 and 1993 Conventions	Spring 2003	
<i>Preparation of The Global Instrument on the International Recovery of Child Support and other Forms of Family Maintenance</i>		
16. First Special Commission	5-16 May 2003	
a) Preparation of the Report and Preliminary Documents	Spring 2003	The Government of Canada has specifically contributed to translation costs in Financial Year 2002-2003.
b) Fundraising for Spanish interpretation and translation of the Report and Preliminary Documents into Spanish	Immediate	See Supplementary Budget 2003-2004, Articles 12(b) and 12(c).

PROJECT	TIMELINE	BUDGETARY COMMENTS
c) Fundraising for the Special Fund to assist with travel and per diem expenses for delegates from targeted States	Immediate	See Supplementary Budget 2003-2004, Article 12(a).
17. Preparation of the Second Special Commission	Spring 2004	
a) Consultation	Throughout the year	
b) Organisation of regional meetings	Autumn 2003	
<i>Other matters</i>		
18. The Hague Convention of 13 January 2000 on the International Protection of Adults		
a) Preparation of publicity material	Spring 2004	See Supplementary Budget 2003-2004, Article 3.
19. The Hague International Legal Training Institute	Ongoing	See Supplementary Budget 2003-2004, Article 15.
20. Co-habitation outside of marriage		
a) Updating of the document presented at the Special Commission for General Affairs and Policy of the Conference in May 2000	Early 2004	
21. Budgetary Matters and Fundraising	Ongoing	See, <i>in general</i> , Supplementary Budget 2003-2004.

In addition to the contributions made by The Governments of **Austria, Canada, New Zealand** and the **United States of America** to specific projects in Financial Year 2002-2003, the Governments of **Australia, China, Germany, Finland, Luxembourg, Malta, Monaco, the Netherlands** and **Switzerland** contributed a monetary or contribution in-kind to the general 2002-2003 Supplementary Budget.

In addition the countries that have contributed to the Supplementary Budget from the outset include **China (Hong Kong Special Administrative Region), Hungary, Ireland, Korea, Norway, the United Kingdom (England and Wales, Northern Ireland and Scotland)**. See Preliminary Document No 7, *Interim Report February 2003*.

As a result of these generous contributions in Financial Year 2002-2003, it has been possible in particular:

- ~~///~~ to maintain the services of two full time Legal Officers in particular for the monitoring of the Children's Conventions;
- ~~///~~ to expand the substantive coverage of the International Child Abduction Database (INCADAT) and modify the search capabilities;
- ~~///~~ to begin work on Statistical Databases on International Child Abduction (INCASTAT) and Inter-country Adoption (ICASTAT);
- ~~///~~ to complete Chapters I and II of the Guide to Good Practice for the Child Abduction Convention;
- ~~///~~ to begin research and consultation on the next phase of the Guide to Good Practice for the Child Abduction Convention;
- ~~///~~ to publish the fourth and fifth volumes of the Judges' Newsletter on International Child Protection;
- ~~///~~ to assist with international judicial seminars;
- ~~///~~ to start preparing new editions of the Practical Handbooks on the Hague Conventions on the Service of Documents Abroad and on the Taking of Evidence Abroad; and
- ~~///~~ to hire the services of a part-time system consultant to reinforce the computer network.