

PROJET D'ORDRE DU JOUR

proposé par le Bureau Permanent

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DRAFT AGENDA

proposed by the Permanent Bureau

*À l'intention de la Commission spéciale de juin 2011
sur le fonctionnement pratique de la
Convention Enlèvement d'enfants de 1980 et de la
Convention Protection des enfants de 1996*

*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*

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PART I

Part I of the Special Commission meeting will take place in The Hague from Wednesday 1 to Friday 10 June 2011.

The draft agenda will be treated with some flexibility and may need to be modified in the light of continuing discussions in the Special Commission.

Sessions will normally begin at 9.30 a.m. and end at 6.00 p.m. with a lunch break from 1.00-2.30 p.m. Breaks for coffee will normally be from 11.00 a.m. till 11.15 a.m., and tea from 4.00 p.m. till 4.15 p.m.

An advisory group will be established early during the Special Commission meeting to assist in preparing the draft Conclusions and Recommendations, to be considered for adoption on the last day. It is expected that this group will meet regularly during the meeting, including sometimes in the evenings.

Wednesday 1 June 2011

Morning

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| 10.00 a.m. | <p>Opening of the Special Commission by Mr Paul Vlas, President of the Netherlands Standing Government Committee on Private International Law</p> <p>Election of the Chair and Vice-Chairs of the Special Commission</p> <p>Words of welcome by Mr Hans van Loon, Secretary General</p> <p>Introduction to the draft agenda and documentation by Mr William Duncan, Deputy Secretary General</p> <p>Adoption of the agenda</p> <p>Status of the 1980 and 1996 Hague Conventions</p> <p>Encouraging further ratifications / accessions</p> <p>Use of Guide to Good Practice under the 1980 Hague Child Abduction Convention: Part II – Implementing Measures</p> <p>Introduction to the statistical survey of 2008 cases under the 1980 Hague Convention – Mr Nigel Lowe, Professor of Law at Cardiff Law School, University of Wales (Prel. Docs Nos 8 A, 8 B and 8 C)</p> |
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1. CO-OPERATION AMONG CENTRAL AUTHORITIES UNDER THE 1980 HAGUE CONVENTION (INCLUDING USE OF INFORMATION TECHNOLOGY)

Afternoon

Contactability, responsiveness and speed in initiating or facilitating return proceedings

Use of standardised forms (revised form for return applications) (Info. Doc. No 4)

Information exchange (use of the standardised country profile) (Info. Doc. No 2)

Maintenance of statistics (INCASTAT)

6.00 p.m.

Welcome drinks offered by the Permanent Bureau, at the Academy Building

Thursday 2 June 2011

Morning

2. PROCESSING OF APPLICATIONS FOR RETURN BY THE CENTRAL AUTHORITY UNDER THE 1980 HAGUE CONVENTION

Locating the child

Promoting agreement (see also the Guide to Good Practice on Mediation under the 1980 Hague Convention)

Facilitating judicial communications (Note: See also item 13)

Facilitating safe return (Note: See also item 7)

Immigration issues

Other issues concerning the processing of applications

Use of the Guide to Good Practice under the 1980 Hague Child Abduction Convention: Part I – Central Authority Practice

3. ROLE OF THE CENTRAL AUTHORITY UNDER THE 1996 HAGUE CONVENTION (PREL. DOC. NO 4, CHAPTER 11)

4. TRAINING AND TWINNING OF THE CENTRAL AUTHORITIES UNDER THE 1980 AND 1996 HAGUE CONVENTIONS

Note: The role of the Permanent Bureau in the provision of technical assistance and training will be taken up again in Part II of the Special Commission meeting.

Afternoon

5. MEETINGS AND NETWORKING AMONG CENTRAL AUTHORITIES UNDER THE 1980 AND 1996 HAGUE CONVENTIONS

The use of IT to support networking

6. APPLICATIONS CONCERNING ACCESS / CONTACT UNDER THE 1980 AND 1996 HAGUE CONVENTIONS

Relationship between the 1980 and 1996 Hague Conventions

Services, facilities provided by Central Authorities

Procedural matters, including costs

Facilitation of international contact (visa issues, etc)

Contact in the context of return proceedings

Use of General Principles and Guide to Good Practice

Note: Contact issues in the context of international family relocation will be addressed in Part II of the Special Commission meeting.

Friday 3 June 2011

Morning

7. DOMESTIC VIOLENCE ALLEGATIONS AND RETURN PROCEEDINGS (PREL. DOC. NO 9)

Research and case law

Evidential issues

Definition of domestic violence and relationship to Article 13 *b*) of the 1980 Hague Convention

Relevance of ability of "home" State to provide protection

Organisation and enforcement of protective measures to enable safe return of the child and accompanying parent

Promoting consistency in judicial practices

Follow-up and information exchange

Relevance of the 1996 Hague Convention

Afternoon

8. ISSUES OF ACCESS TO JUSTICE AND FAIR TREATMENT

The applicant in return proceedings

The respondent in return proceedings

The parties in proceedings following the return of the child

Role of Central Authorities

Access to justice in the context of the 1996 Hague Convention

9. DISCUSSION OF CASE LAW UNDER THE 1980 HAGUE CONVENTION – INTERPRETATION OF KEY CONCEPTS

Abbott

Neulinger and Raban

Other

10. THE CHILD'S VOICE / OPINIONS IN RETURN AND OTHER PROCEEDINGS

Impact of international and regional developments

11. USE OF OTHER GUIDES TO GOOD PRACTICE

Guide to Good Practice under the 1980 Hague Child Abduction Convention: Part III – Preventive Measures

Guide to Good Practice under the 1980 Hague Child Abduction Convention: Part IV – Enforcement

6.00-8.00 p.m.

Reception hosted by the Government of Canada, at the residence of the Ambassador of Canada (transport to and from the reception will be provided)

Saturday 4 June 2011

Morning only

12. CONSIDERATION OF THE DRAFT PRACTICAL HANDBOOK TO THE 1996 HAGUE CONVENTION (PREL. DOC. NO 4)

Introduction, objectives and methodology

General comments

Chapter-by-chapter review

Monday 6 June 2011

Morning

12. CONSIDERATION OF THE DRAFT PRACTICAL HANDBOOK TO THE 1996 HAGUE CONVENTION (CONT'D) (PREL. DOC. NO 4)

Chapter-by-chapter review (cont'd)

Afternoon

Chapter-by-chapter review (cont'd)

Follow-up

Form in which Handbook is to be published

Updating of Handbook

The development of standard forms under the 1996 Hague Convention

Extensions of INCADAT and INCASTAT to the 1996 Hague Convention

Tuesday 7 June 2011

Morning

13. JUDICIAL NETWORKING AND DIRECT JUDICIAL COMMUNICATION (PREL. DOCS NOS 3 A, 3 B AND 3 C)

Introduction to the Report

Progress since previous Special Commission meeting held in 2006

Development of the International Hague Network of Judges (IHNJ)

Discussion of Principles:

- emerging rules
- commonly accepted safeguards
- legal basis

Possible development of binding rules

Afternoon

Article 15

Use of IT to support networking and communications

Role of *The Judges' Newsletter on International Child Protection*

Judicial conferences and meetings

6.00-8.00 p.m.

Reception hosted by the Government of the Netherlands, at the Academy Building

Wednesday 8 June 2011

Morning

14. CONSIDERATION OF THE DRAFT GUIDE TO GOOD PRACTICE ON MEDIATION UNDER THE 1980 HAGUE CONVENTION (PREL. DOC. NO 5)

Introduction, objectives and methodology

General comments

Chapter-by-chapter review of the draft Guide to Good Practice on Mediation

Afternoon

Chapter-by-chapter review of the draft Guide to Good Practice on Mediation (cont'd)

Thursday 9 June 2011

Morning

14. CONSIDERATION OF THE DRAFT GUIDE TO GOOD PRACTICE ON MEDIATION UNDER THE 1980 HAGUE CONVENTION (CONT'D) (PREL. DOC. NO 5)

Chapter-by-chapter review of the draft Guide to Good Practice on Mediation (cont'd)

Follow up

Possible development of binding rules

Afternoon

15. THE PRINCIPLES ON MEDIATION DEVELOPED WITHIN THE MALTA PROCESS (PREL. DOC. NO 6)

Introduction to and objectives of the Principles

Discussion of the Principles

The central contact point

Next steps and the future of the Working Party

Friday 10 June 2011

Morning

16. CONCLUSIONS AND RECOMMENDATIONS OF PART I

Completion of any unfinished business

Discussion of Conclusions and Recommendations and of the agenda for Part II of the Special Commission in 2012

The meeting will end no later than 2.00 p.m.

PART II

Part II of the Special Commission meeting to take place in The Hague from Tuesday 24 January to Wednesday 1 February 2012 (tentative).

Part II of the Special Commission meeting will have as its principal focus the question of the feasibility and desirability of a protocol to the 1980 Hague Convention.

It 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 Hague Conventions, including the provision of technical assistance and training.