

TRACCIA 1

The need to produce public documents abroad has increased alongside cross-border mobility and interactions at the global level. In many cases, to ensure the authenticity of these public documents, they are subject to the costly and time-consuming process of legalisation, often requiring multiple steps and involving multiple authorities. The Apostille Convention replaces the traditional and cumbersome legalisation process with a single formality; the issuance of a certificate called an Apostille. An Apostille authenticates the origin of a public document so that it can be presented abroad in another Contracting Party. This simplified framework facilitates the circulation of public documents internationally for individuals, families, and commercial operators.

The Convention only applies to “public documents”. This term is not expressly defined in the Convention. The public nature of a document is determined by the law of the place where the document originates. It may extend to any document that is not a private document. While the list is not exclusive, Article 1 of the Convention provides a number of examples: documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process-server; administrative documents; notarial acts; and official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date, and notarial authentications of signatures.

Apostilles may only be issued by Competent Authorities formally designated by Contracting Parties. The Permanent Bureau does not issue Apostilles. Competent Authorities will issue an Apostille once they are satisfied of the authenticity of the signature / stamp / seal on a public document. The Apostille may be issued in paper form or electronically (an e-Apostille) and must be attached to the underlying public document. Competent Authorities must keep a record of all the Apostilles that are issued and, upon request, verify whether the particulars in an Apostille correspond with those in the register.

The only effect of an Apostille is to certify the authenticity of the signature, the capacity in which the person signing the document has acted, and the identity of the seal or stamp which the document bears. The Apostille does not authenticate the content of the underlying public document.

When joining the Convention, a Contracting Party must designate the authorities that are competent to issue Apostilles. Under the Convention, they perform three fundamental functions: verifying the authenticity (origin) of public documents; issuing Apostilles; and recording issued Apostilles in their register, to facilitate, at the request of a recipient, the verification of an Apostille.

Source: Hague Conference on Private International Law

TRACCIA 2

The Hague Abduction Convention is an international treaty. The United States is one of the many countries who have joined it. The Convention aims to protect children from the harmful effects of international parental child abduction. It encourages the prompt return of abducted children to the country where they are habitually resident. It also seeks to organize or secure effective exercise of rights of access to a child. The main idea is that the proper court in the country of the child's habitual residence should generally determine custody and visitation matters.

The Convention focuses on the child. It provides a shared civil remedy among partner countries. The Convention provides a framework for countries to work together in specific ways to resolve international abduction cases. Important features of the Convention include that each member country must have a Central Authority. In the United States, the Office of Children's Issues serves as the Central Authority. The Central Authority has many responsibilities. They help locate abducted children. They encourage parents to find amicable solutions to abduction cases. And, they help facilitate the safe return of children as appropriate.

Filing a case under the Convention does not guarantee that your child will be returned. To obtain the return of your child, through a Hague proceeding, you must first be able to demonstrate, for example, that your child was habitually resident in one Convention country. The Convention must have been in force between the two countries when the removal or retention took place.

Under the Convention, a court may deny return of an abducted child if one of the following defenses apply:

- There is a grave risk that the child's return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation;
- When the child objects to being returned. This requires the child reach an age and degree of maturity for the court to take their views into account.
- The child has become settled in their new environment. This may only apply if the person seeking return files in court one year after the wrongful removal or retention.
- The person seeking return consented to or later acquiesced to the child's removal or retention.
- The return would violate the fundamental principles of human rights and freedoms in the country where the child is being held.
- The person seeking return was not exercising custodial rights at the time of the removal or retention.

When a parent and their child live in two partner countries, the parent may apply to establish or enforce access/visitation rights. Partners to the Convention agree to promote visitation/access rights of parents. The abduction or retention must have taken place after the effective date of the partnership.

Source: U.S. Department of State

TRACCIA 3

From its first steps in the mid-twentieth century to the present day, artificial intelligence (AI) has been rapidly transforming our world. AI includes a diverse range of technologies that can be defined as 'self-learning, adaptive systems.' It can be categorized based on technologies, purposes (like facial or image recognition), functions (such as language understanding and problem-solving), or types of agents (including robots and self-driving cars). It also includes various methods and disciplines such as vision, speech recognition, and robotics, and serves to enhance traditional human capabilities. Recent progress in AI has been driven by advancements in computer processing power and data techniques.

In all these spheres and more, AI has significant potential to support the UN by promoting inclusivity, reducing inequalities, helping to accelerate nearly 80% of the Sustainable Development Goals and strengthening the work of the United Nations system.

For example, AI could support advancements in the SDGs by providing diagnostics and predictive analytics in healthcare; crop monitoring and climate resilience in agriculture; personalized learning in education and crisis mapping and aid distribution for humanitarian response.

But AI isn't just a game changer for sustainable development. It can help the UN respond to crises around the world, help nations collaborate to address climate-induced displacement, and become a force for good and save lives. And yet, so far the benefits of AI are unevenly distributed, concentrated in a few powerful companies and countries. As United Nations Secretary-General António Guterres recently affirmed, many nations struggle to access AI tools, highlighting the need for international cooperation and solidarity to bridge the AI gap for developing countries. “Without adequate guardrails, AI could further exacerbate inequalities and digital divides and disproportionately affect the most vulnerable. We must seize this historic opportunity to lay the foundations for inclusive governance of AI – for the benefit of all humanity”.

While it has the potential to address some of humanity's greatest challenges, such as boosting economies and transforming societies, rapid AI development inevitably brings with it a host of risks and challenges, including threats to information accuracy and human rights.

As AI technologies become more widespread, there is a need for globally coordinated AI governance to maximise their benefits while effectively managing the associated risks. In response to this challenge, the UN Secretary-General has established a High-Level Advisory Body on AI. This panel analyzes the current situation and recommends strategies for international governance, promoting an inclusive and comprehensive approach.

Comprising up to 39 experts from diverse disciplines, the Body aims to align AI governance with human rights and the Sustainable Development Goals. It engages with various stakeholder groups, including governments, the private sector, and civil society, to ensure a collaborative approach.

Source: United Nations