

Title	Proposed Approach for the Collection of Statistical Data
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Annex	Annex I: Proposed Questions
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Table of Contents

I.	Introduction	1
II.	Purpose of Data Collection	1
III.	Matters to Consider.....	2
	A. The current approach.....	2
	B. The INCASTAT experience.....	3
IV.	Proposed Approach.....	3
	A. Scope.....	3
	B. Format	3
	C. Timing.....	4
	D. Respondents	4
	E. Compatibility.....	4
V.	Proposal for CGAP	4
	Annex I: Proposed Questions	6

Proposed Approach for the Collection of Statistical Data

I. Introduction

- 1 At its meeting in 2021, the Council on General Affairs and Policy (CGAP) mandated the Permanent Bureau (PB) to identify possible approaches for the more effective collection and analysis of statistical data in relation to HCCH Conventions, taking into account the needs of, and the impact on, HCCH Members and Contracting Parties.¹ The PB was asked to report back to CGAP at its 2022 meeting.
- 2 This matter was first considered in the context of the ongoing challenges associated with INCASTAT, and the potential wider benefit of regular data collection. On the floor of the meeting, the Chair of CGAP asked the PB to address what would be useful from an HCCH perspective, and how value may be added to the Members' day-to-day operation of the Conventions.
- 3 The following is a proposal from the PB on the collection of statistical data on the HCCH Core Conventions, intended to be a minimum burden on Members and Contracting Parties while maximising the benefits of consistent and reliable information. It will not preclude or affect existing approaches to data collection for specific Conventions. It is intended, instead, to provide an opportunity for broader data collection on a more regular basis.

II. Purpose of Data Collection

- 4 For the PB, the collection of accurate and contemporary statistics assists in promotion, review of practical operation, and uniformity of information.
- 5 For promotion, it allows the PB to provide concrete examples when explaining the benefits to non-Contracting Parties. For example, the statistics collected in response to the Apostille Questionnaire 2021 provided a sufficient base to accurately estimate that approximately 30 million Apostilles are issued each year (equivalent to approximately one Apostille every second). For those not familiar with the Convention, this is an undeniably large figure, the clearest indication of the ease and relevance of the Convention.
- 6 For review of the practical operation, the PB may measure scope and impact of a Convention. While more detailed information will naturally lead to a more nuanced insight, the utility of most Conventions can generally be measured by a single figure. Further, consistently tracking data allows for a better understanding of how long it takes a Contracting Party to notice the impacts of the Convention. Finally, if there are anomalies with specific Contracting Parties, it will allow the PB to target its bilateral engagement. Essentially, statistics may provide the first indicator for understanding where there is effective operation, and equally, where problems have arisen.
- 7 Finally, it would lead to greater uniformity in the collection of data for a single Convention and across the work of the Core Conventions more broadly. The PB has made a concerted effort in recent years to produce more professional and uniform published work and having similar information available for each of the Core Conventions would assist in these efforts.
- 8 For the Members, data collection will allow for informed decision-making, including on the allocation of PB resources, assist in identifying and advocating the benefits of joining new Conventions, and identify areas for improvement.
- 9 For allocation of resources, there is an ongoing dialogue around the limited resources of the PB and the need to prioritise appropriately. Having regular data on the Core Conventions would allow CGAP to make these decisions with the most current and accurate information. This includes

¹ C&D No 15 of CGAP 2021.

understanding which Conventions are the most widely used, as well as those that require attention due to problems.

10 When joining new Conventions, the scope of application of an instrument is a common factor in deciding whether to join. To see effective and widespread application would assist Members in this decision-making process. Further, it provides concrete data to assist in making the case for specific Conventions to domestic decision-making bodies who may not be familiar with the work of the HCCH.

11 Finally, there would be a built-in accountability between Members on the extent to which Conventions are being used.

III. Matters to Consider

A. The current approach

12 At present, comprehensive statistics are not collected at regular intervals across the HCCH Conventions. Rather, the most common approach is that they are collected on an as-needed basis, generally ahead of a meeting or for specific fact-finding purposes.

13 Ahead of a Special Commission meeting or other relevant events, a questionnaire will be circulated to Members and Contracting Parties. These questionnaires tend to be extensive and cover both qualitative and quantitative matters. The gap between Special Commission meetings means there is no regularity in this collection. For example, the First Meeting of the Special Commission on the practical operation of the 2007 Child Support Convention is scheduled to be held in 2022. A questionnaire was circulated in 2019 as part of the planning. Between its entry into force in 2013 and 2019, there was no collection of data. Similarly, the 1980 Access to Justice Convention was last considered in 2013 and will next be considered in 2022.

14 The interval between these questionnaires means that, first, the questions may not be consistent, and secondly, responses are received from a significantly different set of Contracting Parties each time. Both of these factors make it difficult to establish trends, and thereby to extrapolate data so that it is representative of the entirety of a Convention's operation.

15 The PB also tends to see a consistently low response rate. Of the questionnaires circulated during the past three years (2019 to 2021), the response rate among Contracting Parties was 57.8%. For Apostille, which had a response rate of 57.5% of Contracting Parties (one of the higher response rates), the Special Commission asked for the Questionnaire to be reopened in an effort to garner further responses.² Similarly, in 2020, CGAP extended the deadline for the questionnaire on the 2007 Child Support Convention due to a low number of responses.³

16 For some Conventions, however, a more regular approach is taken. Under the 1993 Adoption Convention, the PB has collected information from Contracting Parties on an annual basis for over 15 years.⁴ This collection is part of an "annual update", currently conducted via circular, which also includes information on Central Authorities, Country Profiles, and tables on costs. Through this process, 70 States have provided statistics, representing 71.2% of Contracting Parties to the Convention.

17 Similarly, there is a proposal for the annual collection of statistics that will be considered by the Special Commission on the practical operation of the 2007 Child Support Convention.

² C&R No 7 of the 2021 Apostille SC.

³ C&D No 23 of CGAP 2020.

⁴ This approach is pursuant to Art. 7(2)(a) of the Adoption Convention and recommendations of the Adoption Special Commission. See, e.g. C&R No 49 of the 2015 Adoption SC.

B. The INCASTAT experience

- 18 The INCASTAT database is the key contemporary example of consistent data collection by the PB. During the discussions at the 2021 meeting of CGAP, which eventually led to the discontinuance of INCASTAT,⁵ Members raised a number of concerns which provide an insight into some structural matters to consider when developing a new system. Specifically, there were concerns that domestic systems use a different technical base to the INCASTAT system, which creates extra work for staff to report to the HCCH (Germany⁶, US⁷), and that it required an additional funding allocation from the HCCH's limited resources (Israel,⁸ US⁹). Members reflected that, for any future model, the burden on authorities should be minimal (UK¹⁰) and sometimes "less is more" when it comes to reporting statistics, otherwise there is a risk of a reluctance to contribute (Switzerland¹¹).

IV. Proposed Approach

- 19 The following proposal intends to address the concerns of Members, as well as achieve the benefits that are attached to regular data collection. That is, it aims to make reporting easy and consistent, maximising the collection of data without imposing unreasonable obligations on Members and Contracting Parties. It also has a minimum impact on the resources of the PB, with existing staff able to absorb these responsibilities.

A. Scope

- 20 The collection would cover the HCCH Core Conventions, as proposed for CGAP's endorsement in Prel. Doc. No 24. Conventions have been excluded if there is no clear mechanism to track data.
- 21 There will be one single question per Core Convention, adjusted based on the content of each instrument. It will ask for figures for the preceding calendar year. If States collect statistics in a different format (e.g., per financial year), and they cannot be adjusted accordingly, this can be noted as a comment. While more detail will naturally lead to more accurate and valuable conclusions, keeping the scope of this regular data collection to the bare minimum will alleviate the burden on Members and Contracting Parties and, consequently, increase the number of responses.
- 22 The questions have been formulated by the PB and are intended to target the most direct application of the respective Conventions. They may be adjusted based on feedback and response rate.

B. Format

- 23 The collection will be undertaken using an online questionnaire platform. At present, the PB uses LimeSurvey.
- 24 Results would be compiled and published on the HCCH website as an informational document, including insights from the PB on discernible trends. The raw data will *not* be made available publicly, nor will responses per Member or Contracting Party be published.

⁵ C&D No 19 of CGAP 2021.

⁶ Minutes No 4 of CGAP 2021, p. 2.

⁷ *Ibid*, p. 3.

⁸ *Ibid*, p. 2.

⁹ *Ibid*, p. 3.

¹⁰ *Ibid*.

¹¹ *Ibid*.

C. Timing

- 25 The collection will be undertaken once per calendar year with questions covering the preceding calendar year. It will be circulated in the first circular of the calendar year (generally, the second Tuesday of January).
- 26 The survey will be open for approximately three months, closing at the end of March. Members will be reminded of this deadline during the annual CGAP meeting, at which time the PB will also update CGAP on responses received.
- 27 Results would be compiled and published by the end of June.

D. Respondents

- 28 It would be the responsibility of the National Organ of a Member State or Diplomatic Mission of a non-Member Contracting Party accredited to the Netherlands to ensure correct completion of the survey. This includes coordinating the responses between the designated authorities (specifically, the Competent / Central Authorities) under each Convention.

E. Compatibility

- 29 Questionnaires, the PB's main mechanism for data collection, will continue to be circulated in preparation for upcoming Special Commission meetings and other HCCH meetings, or for specific exploratory purposes. This would include qualitative and quantitative data that may provide historical insights and identify potential research areas.

V. Proposal for CGAP

- 30 CGAP is invited to approve an annual collection of statistics on the HCCH Core Conventions, beginning in 2022, and moving to a regular timeline in 2023.

ANNEX

Annex I: Proposed Questions

1961 Form of Wills	How many times was the Convention applied in [20XX]?
1961 Apostille	How many Apostilles were issued by your Competent Authorities in [20XX]?
1965 Service	How many requests for service were received by your Central Authority in [20XX]?
1970 Divorce	How many times was the Convention applied in [20XX]?
1970 Evidence	How many Letters of Request were received by your Central Authority in [20XX]?
1980 Child Abduction	How many applications for return were received by your Central Authority in [20XX]?
1980 Access to Justice	How many applications for legal aid were received by your Central Authority in [20XX]?
1985 Trusts	How many times was the Convention applied in [20XX]?
1993 Adoption	What was the total number of completed intercountry adoptions in [20XX] in your State?
1996 Child Protection	How many cases were handled by the Central Authority in [20XX]?
2000 Protection of Adults	How many cases were handled by the Central Authority in [20XX]?
2006 Securities	How many times was the Convention applied in [20XX]?
2005 Choice of Court	How many cases were heard before the courts of your State which applied the Convention in [20XX]?
2007 Child Support	How many cases are active with the Central Authority as of 31 December [20XX]?
2007 Maintenance Obligations Protocol	How many times was the Protocol applied in [20XX]?

Respondents will also have the option of uploading additional documentation.

Excluded: 2015 Choice of Law Principles, 2019 Judgments (pending entry into force).