



東京大学
THE UNIVERSITY OF TOKYO



The HCCH in 2015 : some milestones

Tokyo, 21 December 2015

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First Secretary
Hague Conference on Private International Law

First... Why HCCH ?

Hague Conference on Private International Law

Conférence de La Haye de Droit International Privé

ハーグ国際私法会議

Why “HCCH”...?

Hague Conference on Private International Law

Conférence de La Haye de Droit International Privé

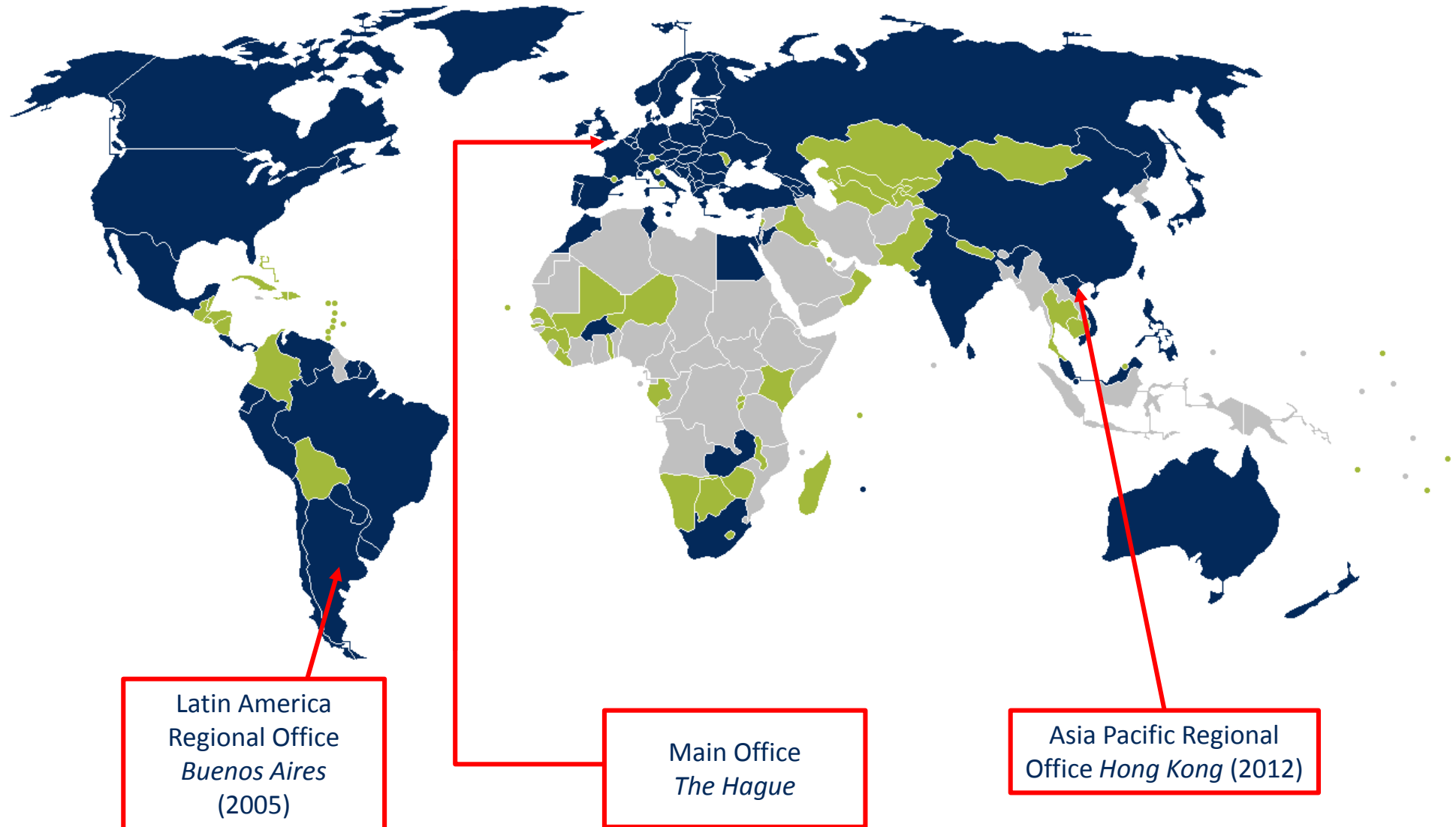
ハーグ国際私法会議

The HCCH = The Hague ?

- Private international law focus
- Treaty making, implementing and monitoring
- Global and intergovernmental perspective



Three HCCH offices



NB: The boundaries shown and designations used on this map are based upon those used by the United Nations Cartographic Section and are indicative only. They should not be taken to imply official endorsement or acceptance by either the Hague Conference or the United Nations.

Internship programme at the HCCH



Internships at the HCCH:

- Programme with an annual intake
- Flexible dates for interns
- Integration into day-to-day work
- The Hague, Hong Kong or Buenos Aires
- Strong alumni network

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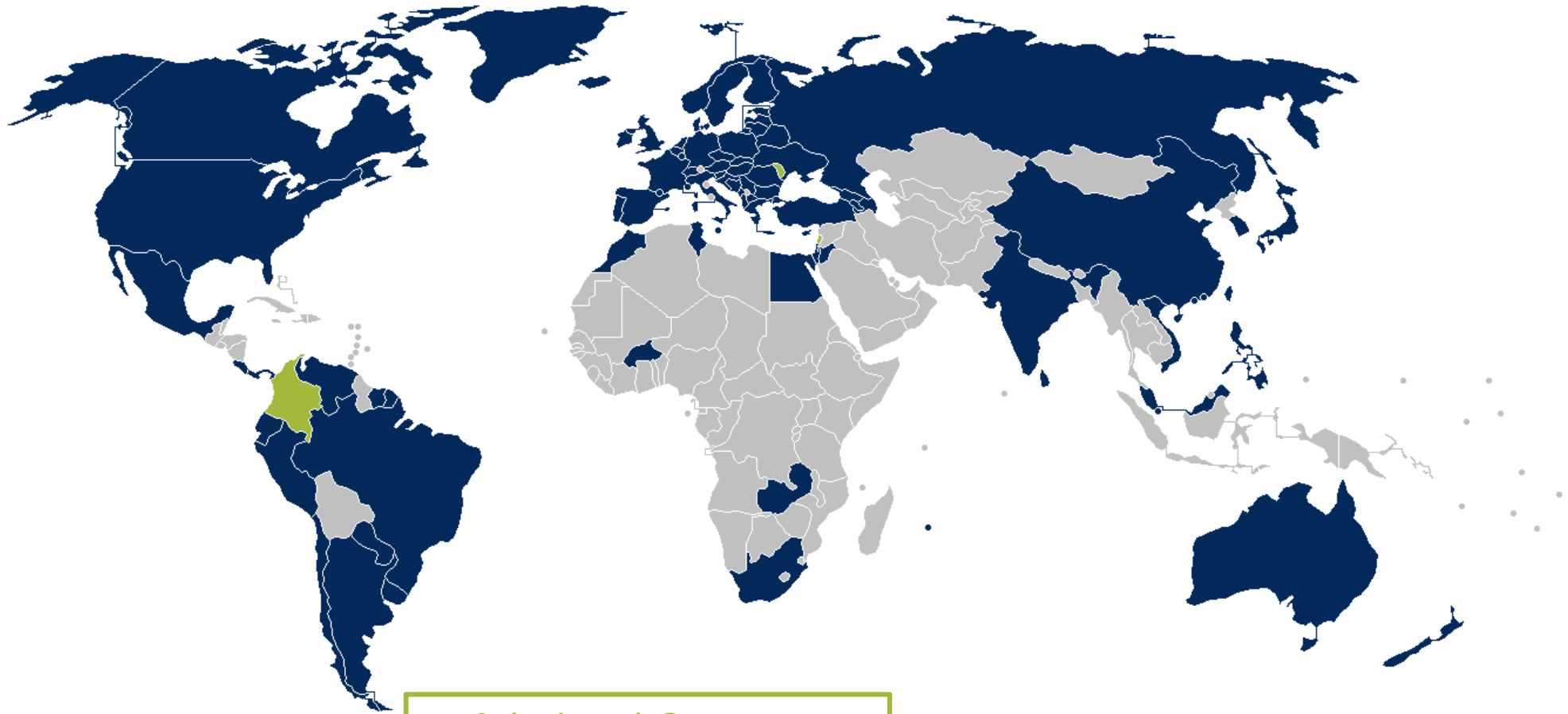
Several internship agreements, including one with the University of Tokyo

- The HCCH has accepted one intern from the University of Tokyo every summer since 2010, for 2-3 months
- Several Japanese short-term interns in HK Regional Office



HCCH outreach

80 Members

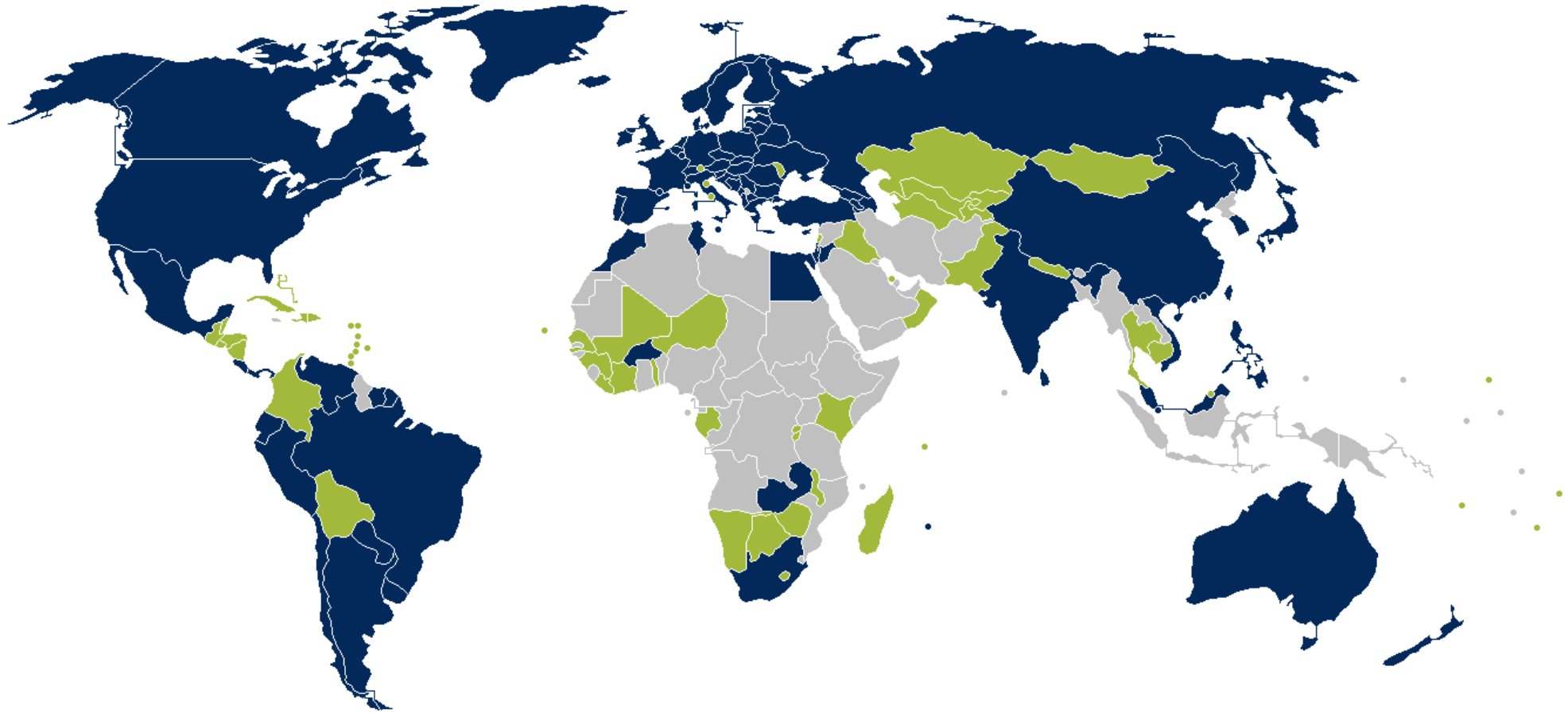


■ Admitted State
*Has applied for membership and
has been admitted, but must still
accept the Statute to become a
Member State*

■ Member State

HCCH outreach (cont'd)

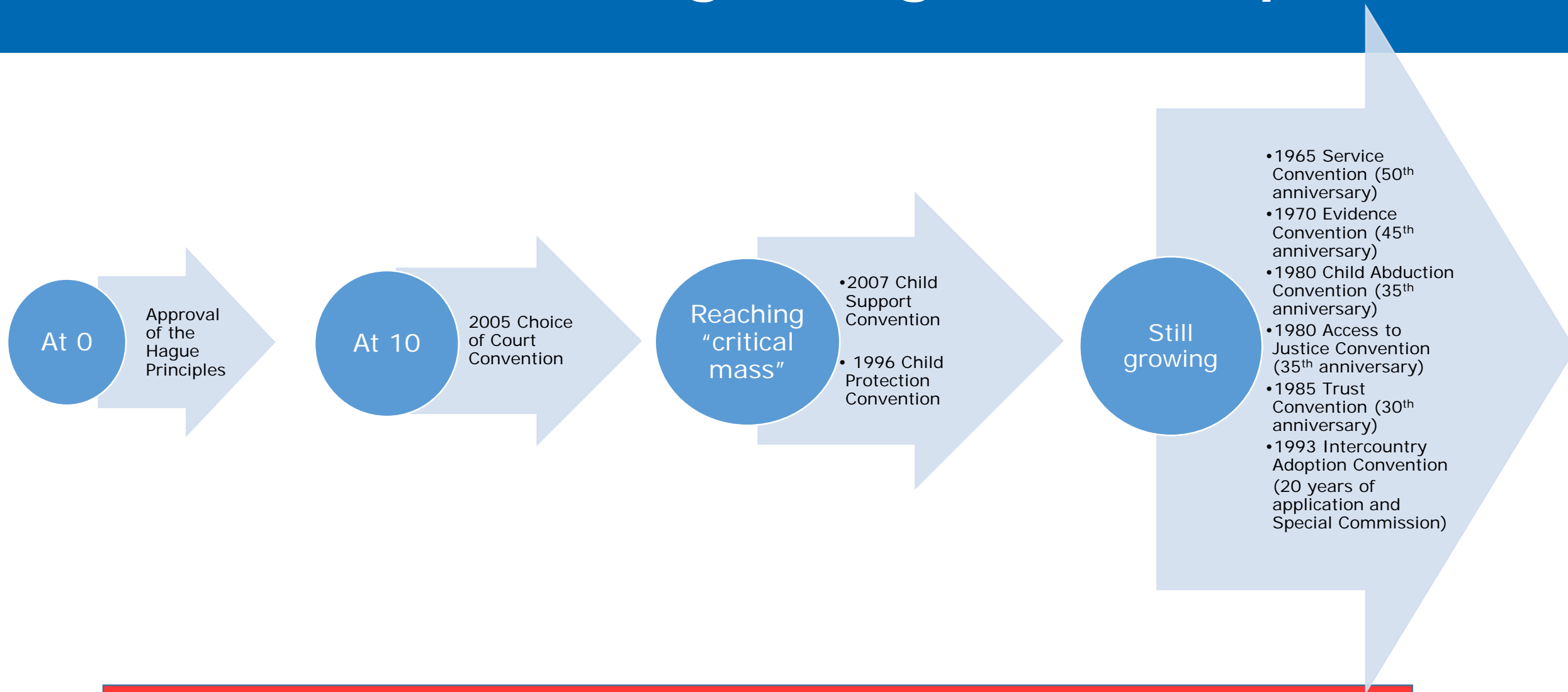
Members and other "Connected" States



■ Member State "Connected" State

■ Non-Member "Connected" State

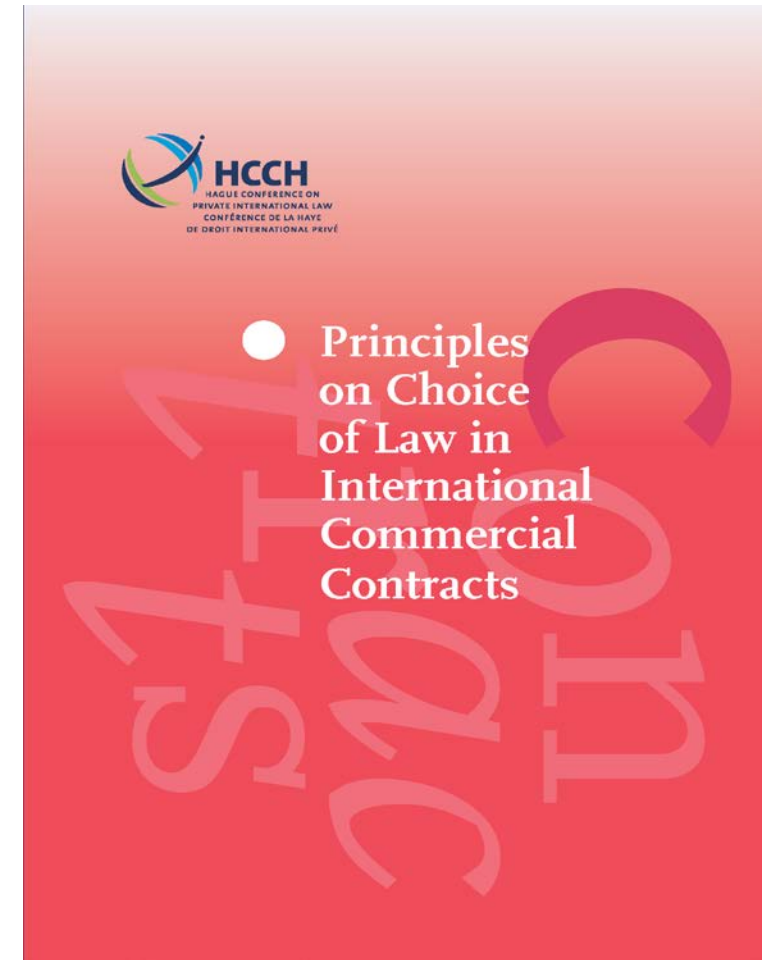
A solid and ever growing HCCH “acquis”



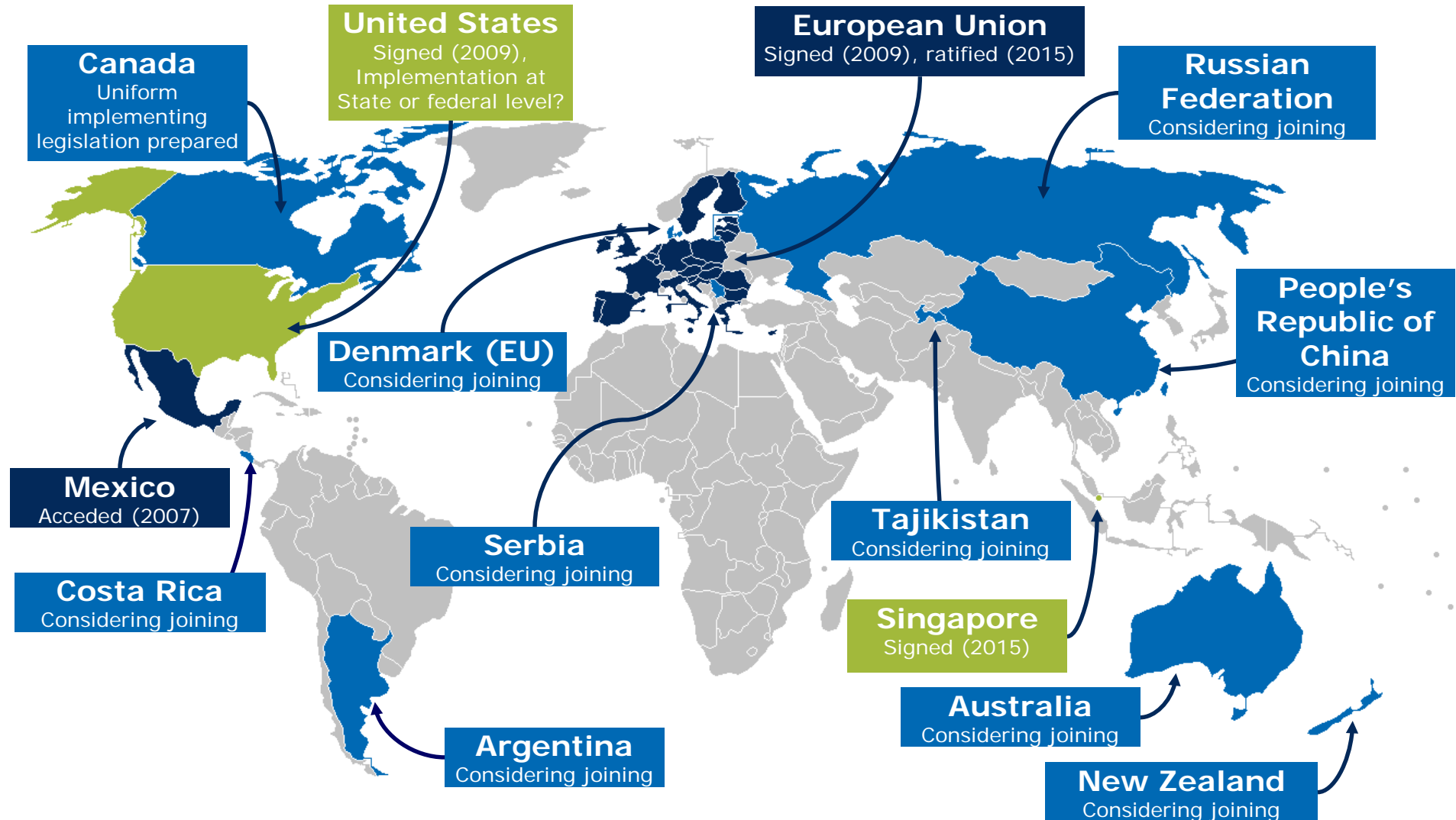
2015 – A Year of Celebrations

At 0 – Approving the Hague Principles

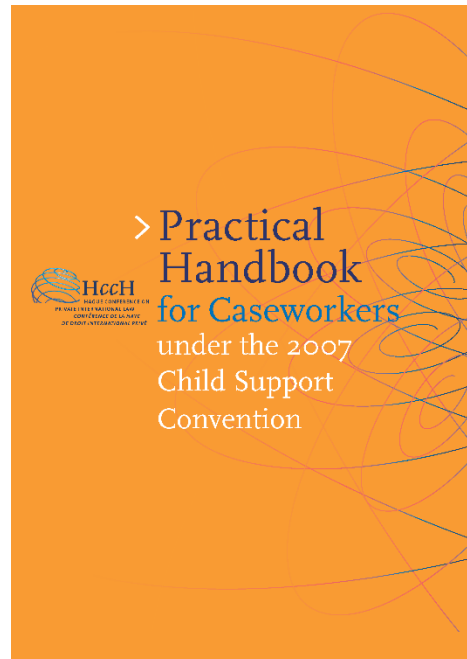
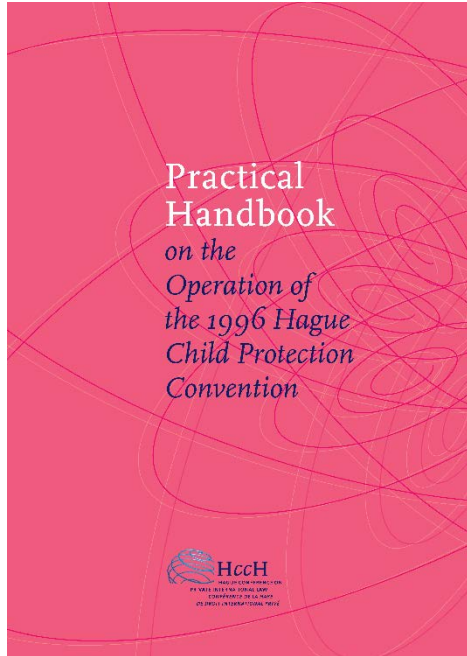
- Formally approved on 19 March 2015
- The first soft law instrument developed by the HCCH
- Promoting party autonomy with balanced limitations
- Early achievements:
 - served as a model for Paraguayan legislator in 2015
 - endorsed by [UNCITRAL](#) and supported by [ICC](#)
 - Australia is implementing the Hague Principles



At 10: Entry into force of the Choice of Court Convention



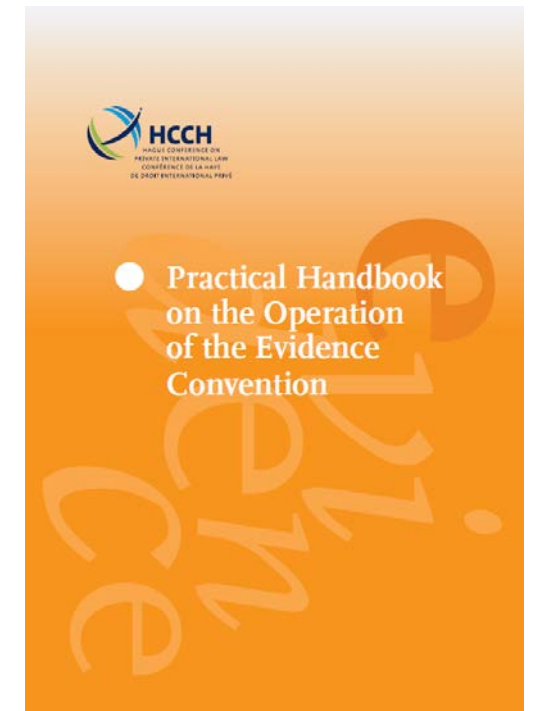
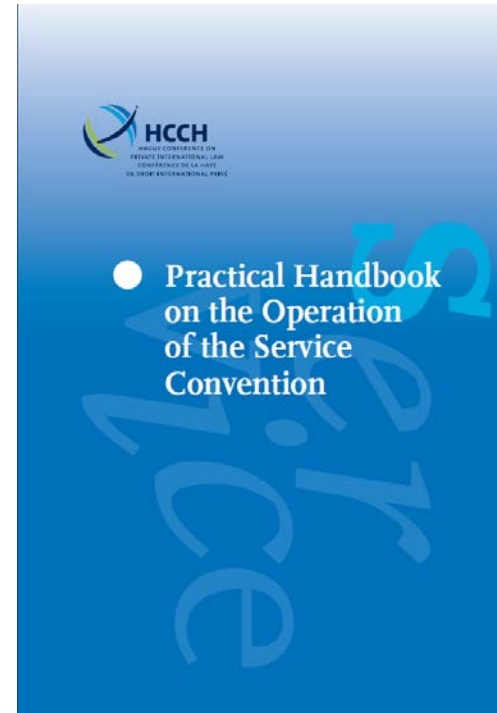
Reaching “critical mass” ...



- **1996 Child Protection Convention**
 - 42 Contracting States
 - Italy ratified the Convention in 2015
- **2007 Child Support Convention**
 - 32 Contracting States
 - Ongoing implementation of the Convention (e.g. USA)

And aging well...

- **At 50: the 1965 Service Convention**
 - Handbook on the Practical Operation of the Hague Service Convention
- **At 45: the 1970 Evidence Convention**
 - Handbook on the Practical Operation of the Hague Evidence Convention
- **At 35: the 1980 Child Abduction Convention**



And aging well (cont'd)

- **At 35: the 1980 Child Abduction Convention**

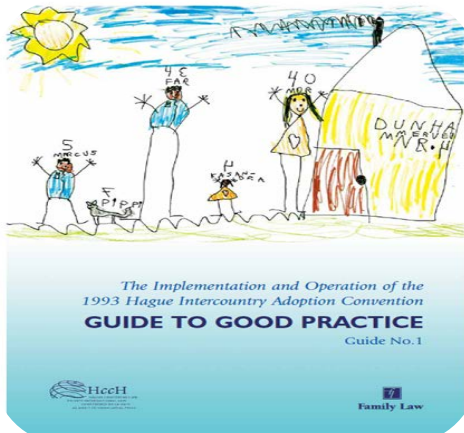
- 93 Contracting States (Japan ratified in 2014)
- Some HCCH publications available in different languages
- Direct judicial communication (*International Hague Network of Judges*) – Two Japanese judges are members of the Network
- INCADAT (***I**nternational **C**hild **A**bduction **D**atabase*)
- An important conference on the Convention to be held in June 2016 in Tokyo



Thanks to periodical review and adaptation



- **1970 Evidence Convention**
- *Use of video-link and other modern technologies in the taking of evidence abroad* – Expert Group held its first meeting in December 2015



- **1993 Intercountry Adoption Convention**
- A Special Commission to review the operation of the Convention was successfully held in June 2015

New instruments “in the make”...



- Judgments Project
- Parentage / Surrogacy Project
- Recognition and enforcement of voluntary cross-border agreements
- Recognition and enforcement of foreign civil protection orders
- Protection of tourists and visitors abroad

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The Judgments Project

Work on a future Convention progresses under the assumption that it will:

- be a complementary Convention to the Choice of Court Convention;
- provide for R&E of judgments from other Contracting States that meet at least one of the bases for (indirect) jurisdiction;
- set out the only grounds on which R&E of such judgments may be refused; and
- not prevent R&E of judgments in a Contracting State under national law or under other treaties, subject to provisions relating to exclusive bases of jurisdiction.



The Judgments Project

Recent Developments

- The Judgments Working Group (which deals with R&E only) has met 5 times
- At its recent fifth meeting, the Working Group completed a **Draft Text** (15 articles)
- Council will decide whether the Proposed Draft Text is ready to be reviewed by a Special Commission (proper negotiations of the future Convention)



The Parentage/Surrogacy Project

Why the project deserves attention from a PIL perspective?

- **Types of problems:**

- e.g. establishing paternity in another State of a child born shortly after a divorce, or

- contesting paternity in another State of a child born prior to a divorce

- > ***Use of assisted reproductive technology:***

- e.g. establishing parentage

- > ***International surrogacy arrangements:***

- e.g. denial of parentage, or

- refusal to recognise foreign judgment establishing parentage, or
 - refusal to recognise foreign birth certificate

The Parentage/Surrogacy Project (cont'd)

In 2015

- The Council mandated to **convene** an Experts' Group meeting to explore the feasibility of advancing work in this area

In February 2016

- The Experts' Group meeting will be held to consider the private international law rules regarding the legal status of children in cross-border situations, including those born of international surrogacy arrangements.
- Recommendations to be made to the Council as to further work in this area.



Thank you for your attention

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