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<b>Related Documents</b>	N/A

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# Report on the activities of the Regional Offices for Asia and the Pacific (ROAP) and for Latin America and the Caribbean (ROLAC) (1 January – 31 December 2023)

## I. Introduction and Strategic Objectives

- 1 The Permanent Bureau (PB) of the HCCH currently has two Regional Offices (ROs): the Regional Office for Latin America and the Caribbean (ROLAC), and the Regional Office for Asia and the Pacific (ROAP).<sup>1</sup> ROs are established to strengthen the HCCH's universality and inclusiveness and to increase the HCCH's visibility, capability, and relevance within a region.<sup>2</sup> In addition to their broad-spectrum work in their respective regions, the Representative and Officers of ROAP provide substantive support to the Transnational Litigation and Apostille Division, and the Representative and Officers of ROLAC provide substantive support to the International Family and Child Protection Law Division.
- 2 While ROAP's and ROLAC's respective work programmes present a degree of variation,<sup>3</sup> both are tailored to contribute to the following strategic objectives:
  - a. promoting the universality of the HCCH by increasing awareness of the HCCH, the HCCH instruments and their benefits, as well as of private international law (PIL), among States and other stakeholders in the regions;
  - b. promoting the inclusiveness of the HCCH by supporting the active involvement of States and other stakeholders in the regions in its normative, non-normative and governance work;
  - c. assisting States in the regions in the proper implementation and operation of HCCH instruments, including through the delivery of efficient, tailored post-Convention services and assistance.
- 3 ROLAC is headed by a Representative for Latin America and the Caribbean, who is supported by a part-time Legal and Office Coordinator. The Government of Argentina continues to finance the rental and operational costs for ROLAC, while the annual travel budget for the office is covered by a voluntary contribution from the Government of the United States of America. The salaries of ROLAC's two staff members are fully covered by the Budget of the HCCH.
- 4 ROAP is headed by a Representative for Asia and the Pacific, who works part-time and who is supported by a Legal Officer and an Office Manager. All costs for ROAP, including rental, salaries and travel, are covered exclusively through the support provided by the People's Republic of China (China). The two ROs are thus not set up equally. From a good governance perspective, the PB considers this to be inadequate and hopes that the matter will be addressed in the near future.

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<sup>1</sup> For more information on ROAP and ROLAC, please consult Annex I.

<sup>2</sup> See the [HCCH Rules for the Establishment of Regional Offices](#) ("Rules"), adopted in 2020. The Rules "do not apply retrospectively to already existing Regional Offices" (see para. 2) and so do not apply to either ROAP, established in 2012, or ROLAC, established in 2005. However, para. 3(a) of the Rules provides a list of characteristic objectives and outcomes of future ROs, which is inspired by, and is reflective of, the work currently being undertaken by ROAP and ROLAC.

<sup>3</sup> For more information on the specific objectives assigned to ROAP and ROLAC upon their establishment, please consult the [Host Country Agreement Between the Argentine Republic and the HCCH](#) and "Proposal to Establish an Asia Pacific Regional Office for the Hague Conference on Private International Law in the Hong Kong Special Administrative Region of the People's Republic of China", Info. Doc. No 2 of CGAP 2012, available on the website of the HCCH at [www.hcch.net](http://www.hcch.net) under "Governance" then "Council on General Affairs and Policy" and "Archive (2000-2023)".

## II. Work and Progress in Achieving the Strategic Objectives

### A. Promoting the universality of the HCCH by increasing awareness of the HCCH, the HCCH instruments and their benefits, as well as of PIL, among States and other stakeholders in the Regions

#### 1. ROAP

- 5 Through its outreach efforts, ROAP contributes to increasing awareness and understanding of the importance of the HCCH and its instruments among States and other stakeholders in the region. Its role in this regard has proven vital towards building and sustaining the momentum required to drive forward the adoption of key HCCH Conventions in the light of the many competing priorities faced by national legislatures. In 2023, four States from Asia and the Pacific became Contracting Parties to one or more HCCH Conventions: Azerbaijan acceded to the 1965 Service and 2007 Child Support Conventions, Kyrgyzstan acceded to the 2007 Child Support Convention, China acceded to the 1961 Apostille Convention,<sup>4</sup> and Singapore acceded to the 1965 Service Convention. In addition, Georgia signed the 2007 Child Support Convention and its Protocol. ROAP endeavours to provide tailored information and to offer support to States in the process of becoming a Member of the HCCH or becoming a Contracting Party to an HCCH Convention. Over the past year, it has had fruitful contacts with government officials, diplomats, and judges from various Members of the Association of Southeast Asian Nations (ASEAN) who have expressed interest and / or submitted enquiries in this regard. In 2023, ROAP supported the organisation of visits to the PB's headquarters by a delegation from China, during which the Secretary and Principal Legal Officer of the Transnational Litigation and Apostille Division provided an overview of the HCCH and the 2005 Choice of Court and 2019 Judgments Conventions, and by a delegation from Viet Nam, during which the HCCH Secretary General provided an overview of the benefits of joining the 1961 Apostille, 2005 Choice of Court, 2019 Judgments, 1980 Child Abduction and 2007 Child Support Conventions.
- 6 The participation in and / or organisation of meetings, seminars, workshops, and other events is one of the primary tools deployed by ROAP to engage with relevant stakeholders and reach out to new audiences. A detailed overview of events organised and / or attended in 2023 is included in Annex II. As in previous years, HCCH Asia Pacific Week, which took place in the Hong Kong Special Administrative Region (SAR) of China in 2023, was among the highlights of ROAP's annual programme, providing the opportunity for stakeholders across the region to engage in discussions on HCCH instruments and projects spanning its three main areas of work, as well as to celebrate the HCCH's 130<sup>th</sup> anniversary and the entry into force of the 2019 Judgments Convention. A dedicated session ("Regional Perspectives") gathered prominent representatives from the Asia-Pacific Economic Cooperation (APEC), the Asian-African Legal Consultative Organization (AALCO), the International Organization for Mediation (IOMed) Preparatory Office, and the Law Association for Asia and the Pacific (LAWASIA) to share their perspectives on PIL and the work of the HCCH in the region. The participation of speakers from States well-versed in the work of the HCCH, who shared their insights into some of the most prominent HCCH Conventions and instruments and championed their widespread adoption in the region, contributed significantly to the success of the event. In this regard, the conference demonstrated, once more, the essential role which HCCH Member States play in actively promoting the HCCH's Conventions and instruments as part of their national foreign policy and economic development programmes, including at the regional level.

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<sup>4</sup> While China acceded to the 1961 Apostille Convention in 2023, the Convention had already been in force in Hong Kong and Macao SAR since 1965 and 1969 respectively.

- 7 In addition to hosting events on behalf of the HCCH, ROAP has sought out opportunities to organise sessions or be given a platform within larger events hosted by partners so as to optimise its limited resources (incl., for example, the Annual Conference of the China Society for Private International Law, the Asian Academy of International Law (AAIL), the 9<sup>th</sup> Biennial Conference of the Asian Society of International Law, and the AALCO Capacity Building Training Seminar). ROAP continues to provide assistance in the organisation of Hong Kong Legal Week, recognised in the region as a major international legal event. Through this role, ROAP actively seeks to promote the HCCH's work, strengthen its cooperation with relevant partners, and expand its network of contacts in the region. During Hong Kong Legal Week 2023, ROAP also participated in a number of side events, such as the 5<sup>th</sup> United Nations Commission on International Trade Law (UNCITRAL) Asia Pacific Judicial Summit 2023, the roundtable "New Domains in Mediation and Arbitration", and the 6<sup>th</sup> Shanghai-Hong Kong Commercial Mediation Forum.
- 8 The Representative has continued to engage with law professors and students, in particular through the organisation of seminars and workshops (see, for example, the seminars organised at the East China University of Political Science and Law and the Tianjin University of Finance and Economics). These academic events will be expanded in 2024 with an emphasis on geographical diversification, which could set the basis for the conclusion of new cooperation agreements between the HCCH and universities in the region, and with them, unlock access to new resources for research, outreach, and translation activities.
- 9 ROAP continues to explore relevant avenues for cooperation with other intergovernmental organisations active in the region.

## 2. ROLAC

- 10 In 2023, three States from Latin America and the Caribbean became new Contracting Parties to one or more HCCH Conventions: El Salvador acceded to the 1970 Evidence Convention, Paraguay acceded to the 1965 Service and 1970 Evidence Conventions, ~~and ratified the 2007 Child Support Convention~~, and Uruguay ratified the 2019 Judgments Convention. Throughout the year, ROLAC engaged in dialogue with multiple States on the process of joining new HCCH Conventions, providing different services depending on the level of maturity of the process: identifying priority instruments for States to consider, explaining the function and potential benefits of specific instruments, and / or offering tailored guidance on the steps required for joining and thereafter implementing the instrument. In this regard, in 2023 ROLAC held discussions with Antigua and Barbuda, Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Mexico, Panama, Paraguay, and Uruguay, among others, in relation to various instruments. It also continued its engagement on prospective Membership with Bolivia, Colombia, and Trinidad and Tobago, following missions to these States in 2022, as well as with Guatemala.
- 11 Through ROLAC, the PB continues to benefit from strong ties with intergovernmental and non-governmental organisations active in the region, valuable partners in its outreach efforts. Among these is the American Association of Private International Law (ASADIP), the annual conference of which took place in August in Rio de Janeiro (Brazil). The conference was attended by PIL experts and stakeholders from across the region, including a considerable number of Members of the Juridical Committee of the Organization of American States (OAS) and of Legal Advisors of several Latin American Ministries of Foreign Affairs, and provided a good setting for the organisation of ROLAC's celebrations on the occasion of the 130<sup>th</sup> anniversary of the HCCH. The OAS is another important partner. ROLAC's smooth working relationship with the OAS continues to benefit the work of the HCCH in the Americas. During 2023, ROLAC worked in close cooperation with the OAS International Law Department, the Inter-American Juridical Committee, and the Inter-American Commission on Human Rights. It is also worth noting ROLAC's cooperation with UNICEF, the national offices of which have been supporting the implementation of the HCCH Children's

Conventions (notably in El Salvador, Guyana, Honduras and Suriname) and the Latin America and the Caribbean Regional Office (LACRO) of which has been actively engaged in promoting them (in particular the 1996 Child Protection Convention as a means to protect non-accompanied and migrant children). In order to further support this work, in 2023 the PB partnered with LACRO in the organisation of special webinars for UNICEF officers on the HCCH's Children's Conventions and the Parentage / Surrogacy Project<sup>5</sup>. Finally, there is the cooperation with the Southern Common Market (MERCOSUR). In 2023, the Ministers of Justice of MERCOSUR's States Parties and Associated States signed a declaration aimed at strengthening international legal cooperation in civil and criminal matters, in which States are encouraged to ratify or accede to the 1980 Access to Justice and 2007 Child Support Conventions.

## **B. Promoting the inclusiveness of the HCCH by supporting the active involvement of States and other stakeholders in the region in its normative, non-normative and governance work**

### **1. ROAP**

- 12 ROAP continues to promote the active involvement of the Asia Pacific region in the HCCH's normative work by raising awareness of ongoing projects, by engaging regional stakeholders in discussions on ongoing projects, by conducting research on relevant regional needs and initiatives, and by facilitating the direct participation of experts from the region. In 2023, complementing its ongoing efforts in this area in relation to the Jurisdiction Project<sup>6</sup> and the digital economy, ROAP played an active role in supporting regional contributions to the Central Bank Digital Currencies (CBDCs) Project. Among other activities, ROAP conducted research on regional characteristics of CBDCs and contributed to the preparation and promotion of CODIFI Edition 2023 – CBDCs<sup>7</sup>. ROAP also supported the Faculty of Law of the University of Hong Kong in the organisation and promotion of the seminar, "Access to Sustainable Finance: The Impact of Private International Law", encouraging experts and students from the legal and financial fields present at HCCH Asia Pacific Week 2023 to participate. The seminar provided an opportunity for participants to learn more about and provide feedback on the HCCH's ongoing exploratory work on the PIL issues related to the digital economy, tokenisation, artificial intelligence and automated contracting, and immersive technologies.
- 13 In terms of non-normative work, in 2023 ROAP organised the webinar, "HCCH 1961 Apostille Convention – Application and Future Prospects in the Asia Pacific Region". The webinar provided a platform for experts and scholars from China, the Philippines and Singapore to engage in an in-depth discussion on the application of the 1961 Apostille Convention and the electronic Apostille Programme (e-APP), as well as to exchange good practices. The webinar attracted a wide audience of experts and students from the region.
- 14 Throughout 2023, ROAP has been actively fostering partnerships with international organisations, demonstrating a steadfast commitment to cooperation. ROAP formalised discussions on collaboration with the AALCO through discussions with the AALCO Secretary General's delegation. Consensus was reached across multiple fields, reinforcing support for AALCO's 2024 Annual Session. Future plans include cohosting seminars spanning diverse topics, aligning with the latest developments in the HCCH Conventions and PIL in the region. ROAP played a promotional role in the AAIL's 2023 Colloquium on International Law. Engaging with representatives from the region, ROAP exchanged valuable insights, contributing to a robust dialogue on HCCH Conventions.

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<sup>5</sup> For more information on the Parentage / Surrogacy Project, please consult the [dedicated section](#) of the HCCH website.

<sup>6</sup> For more information on the Jurisdiction Project, please consult the [dedicated section](#) of the HCCH website.

<sup>7</sup> For more information on the CBDCs Project and CODIFI Edition 2023 – CBDCs, please consult the [dedicated section](#) of the HCCH website.

- 15 ROAP proactively engaged in The Hague Academy of International Law's Advanced Course, hosted in Hong Kong SAR (China). Leveraging academic resources, ROAP focused on continuous capacity building, enhancing its strength and influence in the region. This strategic investment further bolsters ROAP's ability to advocate for and promote the HCCH Conventions.
- 16 Finally, ROAP continues to support the active involvement of States in the Asia Pacific region in governance matters, including those relating to HCCH Membership, attendance at the meetings of the Council on General Affairs and Policy (CGAP), and the Council for Diplomatic Representatives (CDR). For example, prior to the annual CGAP meeting, ROAP engages in formal and informal communications with the National Organs of States in the region with the aim of coordinating positions, responding to enquiries, and addressing or transmitting concerns. ROAP's 2023 initiatives underscore a commitment to collaboration, knowledge exchange, and continuous improvement. Through these efforts, ROAP not only strengthens its own capabilities but also contributes meaningfully to the advancement of cooperation regarding HCCH Conventions in the Asia Pacific region.

## 2. ROLAC

- 17 Supporting Latin America and the Caribbean's active involvement in the HCCH's ongoing normative, non-normative and governance work continues to be a priority for ROLAC.
- 18 In terms of normative work, in 2023 ROLAC contributed to the organisation of the first HCCH working group meeting ever to be held in the region: the fifth meeting of the Working Group on Matters Related to Jurisdiction in Transnational Civil or Commercial Litigation, held in Buenos Aires (Argentina) in September 2023. ROLAC's regional contacts and expertise were pivotal to the success of the meeting, which also benefitted from the generous support of the Government of Argentina, the *Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura*, and the Dutch Embassy in Buenos Aires. Participants expressed their appreciation for and satisfaction with both the venue and the overall organisation of the meeting, as well as a side event celebrating the 130<sup>th</sup> anniversary of the HCCH. Local officials and associations active in the field of PIL also attended the 130<sup>th</sup> anniversary celebration. By enabling the conduct of normative work in the region, the Working Group meeting was a meaningful expression of the HCCH's core principles of universality and inclusiveness.
- 19 In terms of non-normative work, the Eighth Meeting of the Special Commission (SC) on the Practical Operation of the 1980 Child Abduction and 1996 Child Protection Conventions, held in October 2023, generated considerable interest within the region. In addition to its significant contribution to the overall organisation of the meeting as part of its work within the PB's Family Law Division, at the regional level ROLAC organised preparatory meetings with Central Authorities, members of the International Hague Network of Judges (IHNJ) and academics; reached out to States that had not yet responded to the questionnaires or that had not yet designated delegates to the meeting; assisted with the translation of documents into Spanish; and provided assistance to participants from the region upon request. In addition, ROLAC has supported the preparations for the upcoming meeting of the SC on the Practical Operation of the 1965 Service, 1970 Evidence, and 1980 Access to Justice Conventions by facilitating the submission of responses to the questionnaires and of comments on the draft updates to both the Service and Evidence Handbooks, and by contacting the Central or Competent Authorities of these Conventions.
- 20 Moving on to governance work, ROLAC has also been actively supporting the process of the implementation of Spanish as an official language of the HCCH. In May 2023 ROLAC assisted the Embassy of Argentina in The Hague in the organisation of a virtual seminar on the use of Spanish at the HCCH. ROLAC is also involved in the translation of key publications and documents produced by the HCCH, including through the work of its Spanish translation interns, and coordinates the

expansion of the International Child Abduction Database (INCADAT)'s Spanish-language content, working closely with Belgrano University and the Pontifical Catholic University of Argentina. In addition, ROLAC continues disseminating HCCH documents in Spanish among stakeholders in the region.

- 21 Finally, as in previous years ROLAC organised a meeting of Latin American National Organs and a meeting of Latin American PIL associations to exchange views in preparation for CGAP's 2023 meeting. ROLAC also continued to raise awareness on the key role of National Organs in the work of the HCCH and to share good practices to support their effective operation. For example, in recent months, several HCCH National Organs have contacted ROLAC to request information on modalities for involving the academic sector in their work, in particular following an informative presentation by the Legal Affairs Department of the Ministry of Foreign Affairs of Argentina (Argentina's National Organ) on its successful experience with the establishment of an *ad honorem* advisory committee on PIL, through which many of the most prominent academics in the country contribute to its work in PIL matters.

### **C. Assisting States in the regions in the proper implementation and operation of HCCH instruments, including through the delivery of efficient, tailored post-Convention services and assistance**

#### **1. ROAP**

- 22 ROAP contributes to the proper implementation and operation of HCCH instruments in the Asia Pacific region by providing various forms of post-Convention services and assistance. These include, for instance, acting as a direct point of contact for States seeking information and tailored advice on best practices or specific issues encountered; assisting States which are in the process of joining HCCH Conventions with the preparations for their entry into force; and facilitating the organisation of trainings or seminars aimed at judges, practitioners, government officials, and other professionals involved in the day-to-day operation of the HCCH Conventions and instruments.
- 23 While assistance is most often requested by States which are already Contracting Parties to the relevant instrument (sometimes since several years), the receipt of tailored guidance during the preparatory period prior to joining a Convention can facilitate its smooth implementation and prevent challenges in its operation later on. In 2023, for example, ROAP assisted and supported China in the process of acceding to the 1961 Apostille Convention and preparing for its entry into force, providing consultation, liaison, translation, and other services. When tailored post-Convention assistance is provided to an individual State, the recipient often benefits from the participation of multiple national stakeholders, which provides the opportunity for coordination and discussion of ongoing issues in the operation of the Convention among relevant actors with the guidance of the PB (see, for example, ROAP's support for the organisation of a seminar for Kazakhstan on the 1980 Child Abduction and 1970 Evidence Conventions). To ensure that guidance on the proper implementation and operation of HCCH Conventions is available to a wide range of actors, ROAP complements the provision of post-Convention assistance to individual States with activities open to multiple jurisdictions and stakeholders (see, for example, the webinar, "HCCH 1961 Apostille Convention - Application and Future Prospects in the Asia Pacific Region", and the HCCH-ABLI webinar, "Cross-border Commercial Dispute Resolution - HCCH 1965 Service Convention"). ROAP also contributes to the development and translation of publications and other materials. In 2023, in light of the entry into force of the 1961 Apostille Convention for China, ROAP supported the translation of a number of guidance materials so that Chinese officials, experts, and legal practitioners could better understand its operation.
- 24 Current or prospective Contracting Parties from the region interested in benefitting from the PB's assistance in this regard are encouraged to contact ROAP to discuss the various possibilities.



## 2. ROLAC

- 25 During 2023 ROLAC continued to participate in the organisation of trainings (both remotely and in person) and to field multiple requests and enquiries from officials from States both within and outside the region. This has facilitated the identification of challenges and good practices in the implementation and operation of HCCH Conventions, the promotion of HCCH instruments among relevant actors and the delivery of post-Convention services and assistance. Particular attention has been devoted to States which are in the process of implementing multiple instruments (such as Honduras and Guyana) or States which are in the process of assessing the adoption of multiple instruments (such as Trinidad and Tobago).
- 26 The expansion of Latin American jurisprudence in INCADAT continues and is largely due to the support provided to ROLAC by a team of PIL professors, young lawyers, and law students coordinated by Professor Nieve Rubaja of the University of Buenos Aires. This team prepares summaries of child abduction decisions from the region for the database and holds monthly meetings with ROLAC to coordinate the work and discuss child abduction-related topics.

## III. Key Upcoming Projects and Initiatives

### A. ROAP

- 27 In addition to its regular work programme, the following are some of the priority areas to which ROAP intends to dedicate particular attention in 2024:
- a. ROAP will be assisting the Transnational Litigation and Apostille Division in the preparations for the upcoming meeting of the SC on the Practical Operation of the 1965 Service, 1970 Evidence and 1980 Access to Justice Conventions;
  - b. ROAP will organise a webinar in early 2024, provisionally titled, “Fostering Access to Justice for Cross-Border Commerce in the Asia-Pacific Region”, focusing on the 2005 Choice of Court Convention. Well-known scholars, officials, and legal practitioners from the region will be invited to exchange their views on the Convention;
  - c. ROAP will engage in discussions with the Beijing Arbitration Commission (BAC) and the Shenzhen Court of International Arbitration (SCIA) in early 2024. The agenda includes the distribution of promotional materials from the HCCH to raise awareness. Additionally, efforts will be made to organise collaborative activities in the field of Online Dispute Resolution (ODR);
  - d. ROAP will participate in the 2024 Annual Session of AALCO in Thailand. A keynote speech will be delivered at a side event, focusing on the latest developments and future cooperation prospects of the HCCH. ROAP is also actively preparing for a seminar in collaboration with AALCO in the near future. The discussions will cover issues related to the HCCH and PIL. Furthermore, legal aspects concerning digital assets, particularly CBDCs, will be included;
  - e. ROAP will support the organisation of a large-scale family law event with the Singapore Family Court, focusing on the HCCH family law instruments and projects. The event is expected to take place in 2025;
  - f. ROAP will arrange for the Representative to conduct courtesy visits with the Consulates General of ASEAN States in Hong Kong to explore avenues for cooperation (such as co-hosting events, building capacity, and establishing communication channels). Visits have been scheduled first with the Consulates General of States that, having participated in HCCH Asia Pacific Week 2023, have indicated an interest in further collaboration;

- g. ROAP is gearing up for a comprehensive series of promotional activities for the HCCH in various universities and international organisations throughout 2024. The schedule includes APEC Meetings (January), Ocean University of China (April), Shanghai University of Political Science and Law (May), East China University of Political Science and Law (June), Xiamen University and Wuhan University (September), Ramkhamhaeng University, Thailand (October), Universitas Padjadjaran, Indonesia (November), and University of Macau (December);
- h. contingent on the identification of a host State and the availability of resources, ROAP will support the organisation of HCCH Asia Pacific Week 2024;
- i. ROAP is also considering exploring the possibility of establishing long-term internship programmes with more universities in the region.

## **B. ROLAC**

28 In addition to its regular work programme, the following are some of the priority areas to which ROLAC intends to dedicate particular attention in 2024:

- a. ROLAC will be assisting the Transnational Litigation and Apostille Division in the preparations for the upcoming meeting of the SC on the Practical Operation of the 1965 Service, 1970 Evidence and 1980 Access to Justice Conventions. Among other activities, it will organise a preparatory meeting of Central Authorities and PIL associations from the region. The upcoming SC meeting will also be an opportunity to engage with non-Contracting Parties that may be interested in considering joining the relevant Conventions;
- b. ROLAC will be supporting the organisation of the first meeting of Latin American and Caribbean IHNJ members, taking place in Rio de Janeiro (Brazil) from 15 to 17 May 2024. This meeting will provide an opportunity to raise awareness about the Conclusions and Recommendations adopted by the SC on the Practical Operation of the 1980 Child Abduction and 1996 Child Protection Conventions during its 2023 meeting, as well as to discuss in greater detail some of the topics and initiatives identified by the SC;
- c. Similarly, ROLAC will be organising the Second Caribbean Meeting on International Child Protection, expected to take place in Trinidad and Tobago during the second semester of 2024. The main objectives of the meeting will be to discuss the implementation and operation of the HCCH Children's Conventions, to benefit from the extensive experience of jurisdictions that have been operating these instruments, and to facilitate networking and acceptances of accessions among participating States.

## **IV. Proposal to CGAP**

29 The PB proposes the following Conclusions and Decisions:

CGAP welcomed the reports of the ROs and recognised the services they continue to provide to HCCH Members. CGAP further:

- a. encourages Members to offer concrete support towards the implementation of the activities and objectives of the ROs, including, for example, in the form of voluntary contributions, secondments, information, translations, introductions, or other;
- b. invites States from the relevant regions which are currently considering the possibility of joining one or more HCCH Conventions, or of becoming HCCH Members, to contact their respective RO in order to receive assistance during the assessment, implementation and / or incorporation phases, including through introductions to States that have already implemented the relevant Conventions or undergone the process of becoming Members;

- c. invites National Organs and Central Authorities from the relevant regions which are currently facing difficulties in following the HCCH's work and in performing their tasks due to limited human resources to consider enlisting the support of the academic sector and, to this end, to contact their respective RO for introductions to States willing to share their experiences in this regard;
- d. invites Members from Latin America and the Caribbean to facilitate, to the extent possible, the participation of their respective IHNJ members in the regional meeting which will take place in Rio de Janeiro (Brazil) from 15 to 17 May 2024, ahead of the global IHNJ meeting in 2025;
- e. invites Members interested in supporting the strengthening of international child protection in Caribbean jurisdictions to consider supporting the organisation of the Second Caribbean Meeting on International Child Protection, organised jointly by the HCCH and Trinidad and Tobago, and expected to take place in Trinidad and Tobago during the second semester of 2024. Interested Members are invited to contact ROLAC to discuss possible means to contribute to this endeavour; and
- f. invites Members from the Asia Pacific region to actively consider assuming the role of host State for HCCH Asia Pacific Week 2024 or contributing to the organisation and promotion of the conference in other forms. To this end, interested Members are invited to contact ROAP to discuss the various possibilities.

## **ANNEXES**

## Annex I: Background Information

1. Regional Offices (ROs) comprise an essential part of the Permanent Bureau (PB). They are established to strengthen the HCCH's inclusiveness and to increase the HCCH's visibility, capability, and relevance within a particular region. A key objective of the ROs is to promote the HCCH and its Conventions by increasing the visibility of the HCCH, awareness of the value of the Membership of the HCCH, and cognisance of the usefulness of HCCH Conventions to the region, with a view to attracting more States in the region to become Members of the HCCH and Parties to HCCH Conventions. The ROs also provide training programmes, promotion, advice, and coordination of, and participation in, relevant regional events and meetings. Better understanding of HCCH Conventions by State Parties in the respective regions facilitates the development of good practices and consistent interpretation, which in turn contributes to the successful proper operation of HCCH Conventions to the benefit of all Contracting Parties. The HCCH currently has two ROs: the Regional Office for Latin America and the Caribbean (ROLAC) and the Regional Office for Asia and the Pacific (ROAP).
2. In 2005, the PB established a Special Programme for Latin American States in response to requests for expansion of the work of the HCCH in Latin America. Due to the Special Programme's success, and with the generous support of the Argentinian Government, an RO of the PB for Latin America was later established in Buenos Aires, Argentina. In 2017, the Council on General Affairs and Policy (CGAP) approved the extension of the RO's geographical reach to include the Caribbean and, in doing so, approved the RO's corresponding name change. In 2021, the premises of the RO were relocated to a new building, again with the support of the Government of Argentina.
3. ROLAC is headed by a Representative, who is supported by a part-time Legal and Office Coordinator. Mr Ignacio Goicoechea has served as Representative of ROLAC since its establishment. Ms Florencia Castro is ROLAC's Legal and Office Coordinator and supports the Representative by performing legal and administrative tasks. In 2023 ROLAC welcomed 14 translation interns, two international relations interns and one legal intern. The Government of Argentina continues to finance the rental and operational costs for ROLAC, while the annual travel budget for the office is covered by a voluntary contribution from the Government of the United States of America. The salaries of ROLAC's two staff members are fully covered by the Budget of the HCCH.
4. ROAP was established in 2012 in the Hong Kong Special Administrative Region (SAR) of the People's Republic of China (China). In October 2020, ROAP relocated to new premises, generously provided by the Government of the Hong Kong SAR. Together with other legal organisations and the Department of Justice, the new office forms part of an international legal hub in Hong Kong's central business district.
5. ROAP is headed by a Representative, who is supported by a Legal Officer and an Office Manager. On 1 August 2020, Professor Yun Zhao became the fourth ROAP Representative. Ms Alix Ng has held the position of Office Manager since ROAP's establishment. Mr Levi Gao joined ROAP in August 2020 as Legal Officer seconded from the Ministry of Foreign Affairs of China. In 2023, ROAP welcomed 14 legal interns and 15 student volunteers (from the Faculty of Law of the University of Hong Kong). Human resources costs for ROAP are covered exclusively through the support provided by the Government of China.

## Annex II: Report on the Activities of the Regional Office for Asia and the Pacific (ROAP)

### A. Projects and activities

#### *International Family and Child Protection Law*

1. In relation to the HCCH's instruments in the area of international family and child protection law, in 2023 ROAP conducted the following projects and activities:
  - a. held meetings with officers from the Family Justice Courts of Singapore and initiated preparations for the organisation of a large-scale HCCH family law exchange event with the Singapore Family Court in 2025;
  - b. organised three sessions during HCCH Asia Pacific Week 2023 dedicated to the 1993 Adoption, the 1980 Child Abduction, the 1996 Child Protection, the 2000 Protection of Adults, and the 2007 Child Support Conventions;
  - c. participated in discussions on international family law during the Annual Conference of the China Society for Private International Law;
  - d. promoted the HCCH's instruments in the area of international family and child protection law at the Asian-African Legal Consultative Organization (AALCO) Capacity Building Training Seminar, at a seminar held at the Xiamen University Law School, and at a seminar held at the East China University of Political Science and Law.

#### *Transnational Litigation and Apostille*

2. In relation to the HCCH's instruments in the area of transnational litigation, as well as the 1961 Apostille Convention, in 2023 ROAP conducted the following projects and activities:
  - a. organised the webinar, "HCCH 1961 Apostille Convention – Application and Future Prospects in the Asia Pacific Region", followed by over 100 viewers. During the webinar, speakers from China, the Philippines, and Singapore discussed the promotion and implementation of the 1961 Apostille Convention in the region;
  - b. supported the organisation of the webinar, "Cross-border Commercial Dispute Resolution – HCCH 1965 Service Convention", co-hosted by the HCCH and the Asian Business Law Institute (ABLI);
  - c. organised three sessions during HCCH Asia Pacific Week 2023 dedicated to the 1961 Apostille, the 1965 Service, the 1970 Evidence, and the 2005 Choice of Court Conventions, as well as two sessions dedicated to the entry into force of the 2019 Judgments Convention and a discussion on the Jurisdiction Project;
  - d. participated in discussions on transnational litigation and exchanged views on the HCCH's Jurisdiction Project at the Annual Conference of the China Society for Private International Law;
  - e. promoted the HCCH's instruments in the area of transnational litigation during the Asia-Pacific Economic Cooperation (APEC)-HCCH Workshop on facilitating cross-border dispute resolution for businesses (including Micro, Small and Medium Enterprises (MSMEs));
  - f. contributed to the organisation of the sixth Belt and Road Initiative International Forum and the BRI Cooperation and Partnership Model Agreement Conference in the Hong Kong Special

Administrative Region (SAR) (China) (and provided an introduction to the HCCH and its Conventions to attendees) as part of its efforts to foster partnerships for the promotion of international legal cooperation in civil and commercial matters;

- g. supported the organisation of a visit by a delegation from Viet Nam to the headquarters of the PB in The Hague, during which the HCCH's Secretary General and the delegation had a constructive discussion on the 1970 Evidence, the 2005 Choice of Court and the 2019 Judgments Conventions, as well as other HCCH instruments;
- h. conducted meetings with officers from the Government of China to discuss the implementation and operation of the 1961 Apostille, 1965 Service, and 1970 Evidence Conventions, as well as general private international law (PIL) developments in China;
- i. supported the organisation and promotion of an online seminar for representatives of Kazakhstan on the 1980 Child Abduction and 1970 Evidence Conventions;
- j. promoted the 2019 Judgments Convention and the Jurisdiction Project during the AALCO Capacity Building Training Seminar, as well as during seminars held at Xiamen University Law School, Tianjin University of Finance and Economics, and East China University of Political Science and Law.

#### *International Commercial, Digital, and Financial Law*

3. In relation to the HCCH's instruments in the area of international commercial, digital, and financial law, in 2023 ROAP conducted the following projects and activities:
- k. organised three sessions during HCCH Asia Pacific Week 2023 dedicated to the 2015 Choice of Law Principles, the 2006 Securities and the 1985 Trusts Conventions, and normative work in the area of international commercial, digital, and financial law;
  - l. participated in discussions on international commercial, digital, and financial law and promoted the Central Bank Digital Currencies (CBDCs) Project at the Annual Conference of the China Society for Private International Law;
  - m. supported the Faculty of Law of the University of Hong Kong in the organisation and promotion of the seminar, "Access to Sustainable Finance: The Impact of Private International Law", which addressed the impact of PIL rules on cross-border access to capital and finance, sound commercial and business governance, and sustainable development;
  - n. promoted the HCCH's ongoing exploratory projects in the area of international commercial, digital, and financial law during the AALCO Capacity Building Training Seminar, as well as during seminars held at Xiamen University Law School and the East China University of Political Science and Law;
  - o. promoted the HCCH's instruments in the area of international commercial law at the APEC-HCCH Workshop on facilitating cross-border dispute resolution for businesses (including MSMEs);
  - p. conducted research on regional characteristics of CBDCs;
  - q. contributed to the preparation and promotion of CODIFI Edition 2023 – CBDCs.

#### *Transversal*

4. In terms of projects or activities spanning multiple HCCH instruments, in 2023 ROAP:

- a. supported the organisation of HCCH Asia Pacific Week 2023, held from 11 to 14 September 2023 in partnership with the Department of Justice of the Government of the Hong Kong SAR (China). The conference provided participants with a comprehensive overview of the HCCH and its Conventions across its various areas of work: from transnational litigation and Apostille to international family and child protection law as well as commercial, digital, and financial law. It was attended by over 1,000 participants, in person and online, representing government and judicial authorities, academic institutions, civil society, and the private sector from across the region and beyond;
- b. following HCCH Asia Pacific Week 2023, invited consuls general based in Hong Kong SAR (China) to visit the ROAP office under the guidance of the Legal Officer to continue building strong connections;
- c. organised the HCCH 130<sup>th</sup> Anniversary High-end Forum during the Annual Conference of the China Society for Private International Law, during which the HCCH's Secretary General and ROAP raised awareness of the HCCH and its achievements among members of the Society;
- d. conducted meetings with representatives of the Office of the Commissioner of the Ministry of Foreign Affairs of China, of Hong Kong University, of the Shenzhen Court of International Arbitration (SCIA) and of the South China International Arbitration Center Hong Kong (SCIAHK);
- e. formalised discussions and collaboration with the delegation of the Secretary General of the AALCO across multiple fields, including AALCO's 2024 annual meeting and the possibility of co-hosting seminars on the latest developments relating to the HCCH Conventions and PIL;
- f. organised a seminar on the HCCH and its Regional Offices for the faculty and students of the East China University of Political Science and Law;
- g. organised a seminar on the work of the HCCH for the faculty and students of Tianjin University of Finance and Economics;
- h. organised a seminar on the HCCH and its Conventions for the faculty and students of Shanghai University of Political Science and Law;
- i. organised a series of seminars on PIL for the faculty and students of the Ocean University of China;
- j. promoted the work of the HCCH and PIL during the first edition of the Hague Academy of International Law's International Law Advanced Course in Hong Kong;
- k. promoted the work of the HCCH through participation in the Hong Kong Metro Broadcast radio programme, "My Law Firm";
- l. contributed to the organisation of Hong Kong Legal Week 2023, recognised as a major international legal event in the region. Participated in various side events during the week, including the 5<sup>th</sup> United Nations Commission on International Trade Law (UNCITRAL) Asia Pacific Judicial Summit 2023, the roundtable, "New Domains in Mediation and Arbitration", and the 6<sup>th</sup> Shanghai-Hong Kong Commercial Mediation Forum;
- m. continued to support the implementation of the Memorandum of Understanding (MOU) for the secondment of legal professionals between the HCCH and the Government of the Hong Kong SAR (China). In 2023, the PB of the HCCH hosted Ms Melissa Wen Qing KIANG, Senior Government Counsel of the Department of Justice of the Hong Kong SAR, and Ms Diana Siu Wah WAN, solicitor in private practice. Ms Kiang was seconded to the PB from 17 November 2022 to 16 November 2023, while Ms Wan will be seconded from 13 November 2023 to 12 November 2024;



- n. continued to cultivate its relationships with regional and international intergovernmental and non-governmental organisations. Among other activities, ROAP:
- i. organised a session on regional perspectives on the HCCH and its instruments during HCCH Asia Pacific Week 2023. The session counted with the participation of the Chair of the APEC Economic Committee, the Deputy Director of the AALCO Hong Kong Regional Arbitration Center, the President of the Law Association for Asia and the Pacific (LAWASIA), and the Director General of the International Organization for Mediation (IOMed) Preparatory Office. The speakers introduced the work of their respective organisations and their cooperation with the HCCH in the region. More than 500 people followed the discussions, either online or in person;
  - ii. actively participated in the APEC-HCCH Workshop on facilitating cross-border dispute resolution for businesses (including MSMEs), as well as various APEC series meetings, and continued to expand its ties with APEC Members;
  - iii. supported the preparation of the AALCO Capacity Building Training Seminar as well as other cross-regional initiatives to promote greater understanding of the HCCH and its Conventions in selected African States;
  - iv. hosted a meeting with the Director General of the Beijing Arbitration Commission and delegates from AALCO to discuss future collaboration in the organisation of joint seminars and other activities;
  - v. attended the inauguration ceremony of the IOMed Preparatory Office and later organised an official meeting with officials of the IOMed Preparatory Office to explore avenues for cooperation and joint promotion;
  - vi. played an active role in the Asian Academy of International Law's Colloquium on International Law: Navigating the Current International Legal Order. Engaging with representatives from the region, ROAP exchanged valuable insights, contributing to a robust dialogue on contemporary legal issues;
  - vii. supported the AALCO Annual Arbitration Forum 2023, during which ROAP engaged in discussions on online dispute resolution with regional experts.

## Annex III: Report on the Activities of the Regional Office for Latin America and the Caribbean (ROLAC)

### A. Projects and activities

#### *International Family and Child Protection Law*

5. In relation to the HCCH's instruments in the area of international family and child protection law, in 2023 ROLAC conducted the following projects and activities:
  - a. contributed to the preparatory work for the Eighth Meeting of the Special Commission (SC) on the 1980 Child Abduction and 1996 Child Protection Conventions, organising also preparatory sessions and assisting States from the region prior to, and during, the meeting;
  - b. conducted meetings with Central Authorities and other government representatives from States across the region, including:
    - i. assistance provided to the Office of the Attorney General of Trinidad and Tobago for the analysis and implementation of the 1993 Adoption, 1996 Child Protection, and 2007 Child Support Conventions;
    - ii. meeting with the newly appointed heads and teams of Colombia's Central Authority for the 1980 Child Abduction and 1996 Child Protection Conventions and Honduras' Central Authority for the 1980 Child Abduction, 1993 Adoption, 1996 Child Protection and 2007 Child Support Conventions;
    - iii. meetings and communications with the Central Authorities of Argentina, Bolivia, Brazil, Colombia, Chile, Cuba, Dominican Republic, El Salvador, Ecuador, Honduras, Jamaica, Mexico, Peru, and Trinidad and Tobago to discuss the implementation of the 1980 Child Abduction Convention;
    - iv. meeting and communications with the Central Authority of Israel to discuss the implementation of the 1980 Child Abduction Convention and communications issues with one Latin American State;
    - v. meetings with the Central Authority of the United States of America to discuss the implementation of the 1980 Child Abduction and 1993 Adoption Conventions in the region;
    - vi. meeting with officers from the Government of Guyana to discuss the implementation of the 1980 Child Abduction, 1993 Adoption, 1996 Child Protection, and 2007 Child Support Conventions.
  - c. assisted States in the revision of legislation and regulations to facilitate the effective implementation and operation of HCCH Conventions, including:
    - i. revision of procedural law and regulations for the implementation of the 1980 Child Abduction Convention in Argentina, Brazil, and Ecuador;
    - ii. assistance provided to the Central Authorities of Ecuador and Honduras in the development of internal regulations for the implementation of the 1980 Child Abduction Convention at the administrative phase.
  - d. organised and participated in various trainings, seminars, and academic events, including:
    - i. special training on the four HCCH Children's Conventions for UNICEF officers in Latin America and the Caribbean;

- ii. seminar on international child abduction hosted by Brazil’s Federal Regional Court of the 5<sup>th</sup> Region, attended by over 100 participants representing the judiciary, executive branch, and institutions supporting children and families. During the seminar, ROLAC’s Representative delivered a presentation on the HCCH Children’s Conventions, focusing in particular on the 1996 Child Protection Convention and its benefits in relation to the operation of the 1980 Child Abduction Convention;
  - iii. roundtable on cross-border conflict management in family crises at the symposium, “*Proyecto Internacional de investigación sobre intervención en crisis de la coparentalidad*”, organised by the Alberto Hurtado University in Santiago (Chile) in May 2023;
  - iv. seminar on international judicial cooperation organised by Argentina’s Central Authority for the 1965 Service, 1970 Evidence, and 1980 Child Abduction Conventions in September 2023. The ROLAC’s Representative gave a presentation about the challenges identified during the Eighth Meeting of the Special Commission (SC) on the Practical Operation of the 1980 Child Abduction and 1996 Child Protection Conventions;
  - v. Latin American Conference on Intercountry Adoption for judges and international adoption officers, organised by the Central Authority of Brazil for the 1993 Adoption Convention in September 2023. ROLAC’s Representative moderated a panel on implementation and challenges of the 1993 Adoption Convention.
- e. continued supporting Members of the International Hague Network of Judges (IHNJ) from the region, including by:
- i. promoting the prioritisation of international child abduction cases within the judicial administrative systems (for example, at the Supreme Court level in Paraguay);
  - ii. assisting with the organisation of national trainings and regional meetings (including the meeting of Latin American and Caribbean IHNJ Members scheduled to take place in Rio de Janeiro in May 2024);
  - iii. providing Spanish interpretation during the IHNJ meeting held in The Hague on 14 October.
- f. contributed to the incorporation of new caselaw from the region into the International Child Abduction Database (INCADAT), among others by identifying cases and coordinating the work of editors and translators. Throughout 2023, and as in previous years, a team of private international law (PIL) professors, young lawyers, and law students, coordinated by Professor Nieve Rubaja of the University of Buenos Aires, prepared summaries of child abduction decisions from the region for the database, holding monthly meetings with ROLAC. They also aided ROLAC in the preparation of the meeting of the SC on the Practical Operation of the 1980 Child Abduction and 1996 Child Protection Conventions.

#### *Transnational Litigation and Apostille*

6. In relation to the HCCH’s instruments in the area of transnational litigation, as well as the 1961 Apostille Convention, in 2023 ROLAC conducted the following projects and activities:
  - a. assisted with the preparation of the upcoming meeting of the SC on the Practical Operation of the 1965 Service, 1970 Evidence, and 1980 Access to Justice Conventions;

- b. followed up on the process of approval and deposit of Paraguay's instruments of accession to the 1965 Service and 1970 Evidence Conventions. ROLAC also organised and participated in a training for judges, judicial and Central Authority officers in Paraguay;
- c. followed up on the status of analysis and / or incorporation of the 1965 Service and 1970 Evidence Conventions into the legal systems of Chile, Ecuador, El Salvador, Panama, and Uruguay;
- d. assisted Argentina's Central Authority for the 1965 Service and 1970 Evidence Conventions with the revision of the draft law on judicial cooperation.

#### *International Commercial, Digital, and Financial Law*

7. In relation to the HCCH's instruments in the area of international commercial, digital, and financial law, in 2023 ROLAC conducted the following projects and activities:
  - a. engaged with governments and other stakeholders in the region in the development and promotion of the work of the organisation in the area of commercial, digital, and financial law (in particular in Brazil and El Salvador);
8. Supported the organisation of CODIFI Edition 2023 – CBDGs by promoting the colloquium in the region and providing support in its organisation.

#### *Transversal*

9. In terms of projects or activities spanning multiple HCCH instruments, in 2023 ROLAC:
  - a. continued to encourage States from the region to become Members of the HCCH, as well as to provide support to States in the process of becoming Members or to States which have recently become Members. Among others, in 2023 ROLAC provided advice to Bolivia, Colombia, Guatemala, Guyana, and Trinidad and Tobago on the process of becoming Members, including by meeting with key stakeholders in these States in order to encourage them to pass legislation to approve the Statute of the HCCH;
  - b. assisted the Governments of Chile, Honduras and Panama with the operation of their National Organs;
  - c. supported the organisation of meetings of the new network of Latin American PIL associations to plan actions for the year, promote their participation at the meeting of the Council on General Affairs and Policy (CGAP) and coordinate agendas;
  - d. presented on the topic, "The leading role of the Hague Conference on Private International Law in relations between the European Union and Latin America", at the virtual seminar "*El Derecho Internacional Privado en las relaciones entre la Unión Europea y América Latina*", organised by the University of Seville in Spain;
  - e. continued advocating for the further incorporation of PIL in the planning, implementation and monitoring of progress in the advancement of the UN Sustainable Development Goals (SDGs). For instance:
    - i. the ROLAC's Representative participated in the International Forum, "Human Rights for Access to Justice: Views from the Perspective of Sustainable Development", organised by the Supreme Court of Costa Rica, where he delivered a lecture on transnational access to justice as a global necessity for human rights and sustainable development;

- ii. the Representative also delivered a presentation on how HCCH instruments facilitate transnational access to justice and the implementation of Goal 16.3 of the UN 2030 agenda at the conference, “Global Law and Sustainable Development”, organised by the *Instituto Antioqueño de Derecho Internacional Privado* with the support of the University of Medellin, the Max Plank Institute, and the University of Edinburgh;
  - iii. as a result of this conference, ROLAC is currently working on the design of a research project with the legal aid services operated by three universities in Medellin: *Universidad de Antioquia*, *Universidad de Medellín*, and *Universidad Autónoma Latinoamericana*. The main aim of the project is to measure transnational access to justice by identifying PIL cases that arise in their services and assessing to what extent effective access to justice has been secured, which international instruments have been applied, and which instruments would be needed. ROLAC is also participating, together with officers of the Supreme Court of Costa Rica and professors of the *Universidad Autónoma de Medellín* and the University of Edinburgh, in the organisation of a judicial training on transnational access to justice to be offered through the Network of Judicial Schools of Central America, the Dominican Republic and Puerto Rico (all members of the Central American and Caribbean Judicial Council).
- f. co-organised and participated in the webinar, “The use of Spanish at the HCCH”, jointly hosted by the Permanent Bureau (PB) of the HCCH and the Embassy of Argentina in the Netherlands following the recent decision to adopt Spanish as an official language of the HCCH as of 1 July 2024;
  - g. promoted stronger ties between the public and academic sectors in Chile, Colombia, and Panama, sharing the experiences of other States in the region and explaining the benefits of joint work between the two sectors;
  - h. contributed to the organisation of the fifth meeting of the Working Group on Matters Related to Jurisdiction in Transnational Civil or Commercial Litigation, held in hybrid format at the premises of the Ministry of Foreign Affairs, International Trade and Worship of Argentina in Buenos Aires;
  - i. participated in the XVI American Association of Private International Law (ASADIP) Conference in Rio de Janeiro. During the conference, the ROLAC’s Representative attended, together with the HCCH Deputy Secretary General, a cocktail in honour of the 130<sup>th</sup> anniversary of the HCCH with over 160 invitees. He also attended ASADIP’s Meeting of International Forums on Private International Law, where he presented the work of the HCCH and participated in a discussion with representatives of the secretariats of the Organization of American States (OAS), the United Nations Commission on International Trade Law (UNCITRAL), and the Ministry of Foreign Affairs, International Trade and Worship of Argentina.