

<b>Title</b>	<b>2007 Child Support Convention and Maintenance Protocol: Update</b>
<b>Document</b>	<b>Prel. Doc. No 9C of January 2025</b>
<b>Author</b>	PB
<b>Agenda Item</b>	Item TBD
<b>Mandate(s)</b>	C&D No 35 of CGAP 2023
<b>Objective</b>	To provide an update on activities pertaining to the 2007 Child Support Convention and its Protocol and to provide information on planning and next steps
<b>Action to be Taken</b>	For Decision <input checked="" type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input type="checkbox"/>
<b>Annexes</b>	N/A
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>- <a href="#">Conclusions and Recommendations of the First Meeting of the Special Commission on the practical operation of the 2007 Child Support Convention and on the 2007 Maintenance Obligations Protocol</a></li> <li>- <a href="#">Conclusions and Decisions of the March 2023 meeting of the Council on General Affairs and Policy</a></li> <li>- <a href="#">Conclusions and Decisions of the March 2024 meeting of the Council on General Affairs and Policy (CGAP)</a></li> </ul>

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# 2007 Child Support Convention and Maintenance Protocol: Update

## I. Introduction

- 1 This document reports on the work carried out, and the progress made, in relation to projects pertaining to the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (2007 Child Support Convention or 2007 Convention) and the *Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations* (Maintenance Obligations Protocol or Protocol) since the First Meeting of the Special Commission (SC) on the practical operation of these two instruments held in in May 2022.<sup>1</sup> The work pertaining to the International Transfer of Maintenance Funds Experts' Group (ITMF EG) and the electronic case management and secure communication system (iSupport) will be reported on in separate Preliminary Documents (Prel. Docs).<sup>2</sup>
- 2 Section II outlines the progress made by the Administrative Cooperation Working Group (ACWG) on the updated electronic Country Profile and the Statistical Report both under the 2007 Convention. Section III reports on treaty actions in relation to the 2007 Convention and its Protocol since the First Meeting of the SC. Section IV provides an update on ongoing projects and provides information on future work. Section V outlines possible topics of discussion at a possible Second Meeting of the SC on the practical operation of the 2007 Convention and its Protocol, which could potentially take place in the fourth quarter of 2027. To this effect, section V includes a suggestion to circulate two questionnaires to Members and non-member Contracting Parties, in order to identify and prioritise possible topics of discussion at a Second Meeting of the SC. Section VI proposes ways forward for the consideration of the Council on General Affairs and Council (CGAP).

## II. Activities since CGAP 2023<sup>3</sup>

### A. ACWG work on updating the Country Profile under the 2007 Convention

- 3 At its First Meeting, the SC:

“[...] invited the PB to consult Contracting Parties and HCCH Members about possible revisions to questions and relevant tick boxes / responses in the recommended Country Profile form. The PB will work in consultation with the Administrative Cooperation Working Group (ACWG) to carry out those revisions. This will be done in order to ensure that, when Contracting Parties complete their Country Profile, the information set out therein provides a complete and accurate reflection of their laws, procedures and services, as provided by Article 57. A reviewed recommended Country Profile form will be circulated to Contracting Parties and HCCH Members for approval.

The PB will plan online meetings of the ACWG and start consultations as soon as practicable.”<sup>4</sup>

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1 Further to reporting on the outcome of the May 2022 SC meeting at CGAP 2023, a written report on the work pertaining to the 2007 Convention and its Protocol was not produced for the attention of CGAP 2024.

2 For the report of the work of the ITMF EG, see, “2007 Child Support Convention and Maintenance Protocol: Report on the Experts' Group meeting of 3 to 5 February 2025 on International Transfer of Maintenance Funds”, Prel. Doc. No 9F (forthcoming). For the report on iSupport, see, “2007 Child Support Convention and Maintenance Protocol: iSupport”, Prel. Doc. No 9D (forthcoming).

3 Please note that there was no written report submitted to CGAP 2024 pertaining to the 2007 Child Support Convention and its Protocol.

4 See [Conclusions and Recommendations \(C&R\) Nos 68 and 69](#) of the May 2022 SC meeting.

- 4 At its 2024 meeting, CGAP mandated the PB to continue its work on the development of electronic Country Profiles (e-Country Profiles), which included updating the Country Profile under the 2007 Child Support Convention:
- “CGAP welcomed the update on the development of e-Country Profiles under the 1965 Service, 1970 Evidence, 1980 Child Abduction, 1993 Adoption, 1996 Child Protection, 2000 Protection of Adults, and 2007 Child Support Conventions, and took note of the proposed work programme and schedule for their release.”<sup>5</sup>
- 5 Against this background, the ACWG met online on 13 and 27 November 2024 and on 11 December 2024, in order to discuss and finalise the updates made to the Country Profile under the 2007 Convention. The meetings were attended by 48 delegates and other experts representing 23 Members and one Observer, as well as by members of the Permanent Bureau (PB). Mr Philip Ashmore (USA) and Ms Floor de Jongh Bekkali (Norway) continued in their roles as co-Chairs.
- 6 This work took place within the context of the e-Country Profiles Project, which commenced in September 2023 and will end in August 2025. The Project is funded at 90% by the European Union (EU), the remainder being covered by other voluntary contributions from Australia, France, Germany, Italy, Sweden, Switzerland, and the European Union Bailiffs’ Foundation (EUBF). The PB is most grateful for all these voluntary contributions. The EUBF is also participating in the project through the provision of expertise.
- 7 The Project, which encompasses several core HCCH Conventions,<sup>6</sup> aims to modernise the format and operation of the Country Profiles of these core HCCH Conventions, with a view to creating a standardised web page for each Convention that will be available to Contracting Parties to complete, view and update electronically. The e-Country Profiles are intended to assist with the practical operation of selected Conventions by facilitating the exchange of information between Contracting Parties and by providing information about Central Authorities and other authorities in Contracting Parties. The advent of this Project is an opportunity to harmonise, insofar as possible, the text of the Country Profiles, as conducted by the ACWG and other WGs.
- 8 The ACWG concluded its work on updating the Country Profile under the 2007 Convention on 11 December 2024. The updated Country Profile was subsequently circulated to HCCH Members for approval through a written procedure on 17 December 2024, opening a six-week consultation period. In the absence of any objection within six weeks after the circulation of the document to Members, the updated Country Profile under the 2007 Convention will be taken to be approved as of 31 January 2025.<sup>7</sup>

## **B. ACWG subgroup work on the statistical report under the 2007 Convention**

- 9 At its First Meeting, the SC:
- “[...] welcomed the work completed by the PB, in consultation with the ACWG, in finalising the Statistical Report under the 2007 Child Support Convention and adopted Prel. Docs. Nos 18A & 18B of April 2022 (revised versions).
- The SC invited the ACWG subgroup on statistical data elements to continue its work until the statistical spreadsheet, to be used to collect data from States not using iSupport and to provide output from iSupport, is finalised.”<sup>8</sup>

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<sup>5</sup> See Conclusion and Decision (C&D) No 58 of CGAP 2024, available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Governance” then “Council on General Affairs and Policy” and “Archive (2000-2024)”.

<sup>6</sup> *Ibid.*

<sup>7</sup> See Focused Circular No 67(24) of 17 December 2024, available on the Secure Portal of the HCCH website at [www.hcch.net](http://www.hcch.net) under “Governance” then “Circulars”.

<sup>8</sup> See [C&R Nos 84 and 85](#) of the May 2022 SC meeting.

- 10 The ACWG subgroup met online on 21 June 2022 to discuss revisions to the draft Statistical Report. The meeting was attended by 71 participants representing 22 Members, one Observer and one Regional Economic Integration Organisation (REIO), as well as by members of the PB. The draft Statistical Report was finalised on 23 September 2022 but may be subject to further revisions pursuant to feedback from users.

### **III. New Contracting Parties to the 2007 Convention and / or its Protocol since the First Meeting of the SC in May 2022<sup>9</sup>**

- 11 Currently, 52 States and the EU are bound by the 2007 Child Support Convention, while 34 States and the EU are bound by the 2007 Maintenance Obligations Protocol.

#### **C. 2022 Treaty Actions**

- 12 After depositing its instrument of ratification in June 2022, the 2007 Convention entered into force for the Philippines in October 2022. The 2007 Convention and its Protocol entered into force for Ecuador in July 2022, following the deposit of Ecuador's instrument of ratification in March 2022. Ukraine, a Contracting Party to the 2007 Convention since November 2013, ratified the Maintenance Obligations Protocol in August 2022. The Protocol entered into force for Ukraine in December 2022. The 2007 Convention entered into force for Botswana in November 2023, following the deposit of Botswana's instrument of accession in November 2022.

#### **D. 2023 Treaty Actions**

- 13 The 2007 Convention entered into force for Canada in February 2024, following Canada's ratification in October 2023.<sup>10</sup> The 2007 Convention also entered into force for Azerbaijan in February 2024, following Azerbaijan's accession in February 2023. The 2007 Convention entered into force for Kyrgyzstan in November 2024, after Kyrgyzstan's accession in October 2023.

#### **E. 2024 Treaty Actions**

- 14 Having deposited its instruments of ratification in May 2024, the 2007 Convention and its Protocol entered into force for Georgia in September 2024. Furthermore, the Convention entered into force for Cabo Verde in January 2025, after Cabo Verde's accession in January 2024. Paraguay ratified the Convention and its Protocol in October 2024. Both instruments will enter into force for Paraguay in February 2025. After acceding to the 2007 Convention in March 2024, the Convention will enter into force for the Dominican Republic in March 2025. Albania, a Contracting Party to the 2007 Convention since January 2013, ratified the Maintenance Obligations Protocol in June 2024. The Protocol entered into force for Albania in October 2024.
- 15 The PB is aware of more than 10 States that are currently working towards becoming Parties to the 2007 Child Support Convention and / or its Protocol, including but not limited to Argentina, Belize, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Israel, Mexico, Morocco, North Macedonia, South Africa, Switzerland, Trinidad and Tobago, Uruguay, and Venezuela.

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<sup>9</sup> Please note that there was no written report submitted to CGAP 2023 and 2024 pertaining to treaty actions under the 2007 Child Support Convention and its Protocol.

<sup>10</sup> Currently, the application of the 2007 Convention has been extended to the Provinces of British Columbia, Manitoba and Ontario.

## IV. Outstanding matters / future work

### A. Possible model declarations and reservations

16 At its First Meeting, the SC:

“[...] noted that, while the 2007 Child Support Convention does not mandate any particular form for reservations and declarations, a more uniform practice could be helpful for existing Contracting Parties to easily identify the scope of reservations and declarations made by other Contracting Parties. The SC highlighted that such uniform practice could also facilitate the process of States becoming Contracting Parties to the Convention. To this end, the SC welcomed and endorsed the guidance for making reservations and declarations under the 2007 Child Support Convention proposed by the PB in Work Doc. No 30 of May 2022.

The SC noted that, in consultation with the depositary, the Ministry of Foreign Affairs of the Kingdom of the Netherlands, the PB will improve the guidance for the declarations under Article 2.”<sup>11</sup>

17 It is anticipated that the PB, in consultation with the depositary, the Ministry of Foreign Affairs of the Kingdom of the Netherlands, will conclude its work on improving the guidance for the declarations under Article 2 in the second quarter of 2025.

### B. Forms

18 At its First Meeting, the SC:

“[...] invited the Forms Working Group to work on the following forms, in order of priority:

- Fillable forms
- Model form for calculation of maintenance arrears / statement of arrears;
- Model form for Power of Attorney;
- Model statement of enforceability with respect to authentic instruments as well as private agreements (Art. 30(3)(b));
- Model form attesting that Article 36 conditions are met;
- Model form for calculation of interest;
- Scalable model form for decisions;
- Model form to request a Status Report.”<sup>12</sup>

19 It is anticipated that the Forms WG will begin its work on the development of the aforementioned forms in the third quarter of 2025.

## V. Possible Second Meeting of the SC on the practical operation of the 2007 Convention and its Protocol.

20 The growing number of new Contracting Parties to the 2007 Child Support Convention and its Protocol, as demonstrated above, coupled with the progress achieved on iSupport and the growing number of States making use of the system would suggest that holding a Second Meeting of the SC, potentially in the fourth quarter of 2027, may be appropriate. Informal consultations with a

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<sup>11</sup> See [C&R Nos 61 and 62](#) of the May 2022 SC meeting.

<sup>12</sup> *Ibid.*, see [C&R No 64](#).

number of HCCH Members and key actors in the international child support area also appear to support this idea. The decision on the timing of this SC meeting should be determined in accordance with the full Work Programme of the HCCH, including the sequence of other possible SC meetings.

#### **A. Preparations for a second meeting of the SC**

- 21 As has been done for the previous meeting of the SC, the PB would suggest preparing two separate questionnaires, each covering the 2007 Convention and its Protocol, to be circulated among Contracting Parties (possibly during the second and third quarters of 2025, depending on the timing of the SC meeting), in order to ascertain and prioritise important issues regarding the practical operation of the two instruments to be discussed by the SC at its Second Meeting. At CGAP 2026, the PB would report on the outcome of the questionnaires and whether a Second Meeting of the SC is necessary and desirable, and if so, the PB would also propose a more precise date in the fourth quarter of 2027.
- 22 Much like the First Meeting of the SC, it is envisaged that the Second Meeting of the SC would take place over the course of two and a half days, at the Academy Building of the Peace Palace in The Hague. Similar to previous SC meetings, it is also envisioned that the meeting will be held in a hybrid format, meaning in person with the possibility for remote participation, subject to funding availability. It is further contemplated that time will be allocated to facilitating bilateral meetings between interested Contracting Parties, to presentations and discussions pertaining to iSupport, as well as to potential presentations from Contracting Parties on the practical operation of the 2007 Convention and its Protocol in their jurisdiction.

#### **B. Possible topics of discussion at a Second Meeting of the SC**

- 23 Pursuant to informal consultations with a number of HCCH Members and key actors in the international child support area, topics of discussion at the Second Meeting of the SC may include (in no particular order of priority):
- Discussions of the results of the first Statistical Reports under the Child Support Convention, including Central Authority good practices
  - An iSupport workshop, which could include a demonstration on iSupport, States using iSupport sharing their experiences in implementing and operating iSupport, as well as a Questions & Answers session
  - New forms to be developed by the Forms WG
  - Training and workshops for Central Authorities
  - Experience of users of the updated e-Country Profile under the 2007 Convention
  - Presentations from States that have public bodies explaining how they work
  - Presentations from States that use authentic instruments for maintenance arrangements explaining how they work
  - Progress achieved in the area of international transfers of maintenance funds
- 24 It is to be noted that the above list is indicative, non-exhaustive and is without prejudice to the outcome of the future questionnaires to be circulated among Contracting Parties.

### **VI. Proposal for CGAP**

- 25 In light of the above, the PB proposes the following C&D for CGAP's consideration:

CGAP commended the ACWG for its work in updating the Country Profile under the 2007 Convention [and noted its approval, given the absence of objections during the six-week consultation period following its circulation by the PB to HCCH Members].

CGAP took note of the work of the ACWG subgroup on the draft Statistical Report under the 2007 Convention.

CGAP invited the PB to conclude the work on improving the guidance for declarations under Article 2, in consultation with the depositary, the Ministry of Foreign Affairs of the Kingdom of the Netherlands, in the second quarter of 2025.

CGAP mandated the Forms WG to begin its work on the development of several recommended model forms under the 2007 Convention in the third quarter of 2025.

CGAP took note of the growing number of new Contracting Parties to the 2007 Convention and its Protocol and mandated the PB to start preparations by circulating two separate questionnaires, each covering the 2007 Convention and its Protocol, among Contracting Parties [during the second and third quarters of 2025] to (1) identify topics for discussion at the next SC meeting and (2) to prioritise such topics. The PB will report on the outcomes of these questionnaires to Members and Contracting Parties and commence the other preparations for the SC meeting in accordance with the responses that are received. The exact timing of this SC meeting will be determined in accordance with the full Work Programme of the HCCH.