

<b>Title</b>	<b>Working Group on Parentage / Surrogacy: Report of the fourth meeting (from 7 to 11 April 2025)</b>
<b>Document</b>	<b>Prel. Doc. No 1A of April 2025</b>
<b>Author</b>	Working Group on Parentage / Surrogacy Chair of the Working Group on Parentage / Surrogacy
<b>Agenda Item</b>	Item TBD
<b>Mandate(s)</b>	C&D Nos 3 and 4 of CGAP 2025
<b>Objective</b>	To report on the fourth meeting of the Working Group
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
<b>Annexes</b>	Annex I: <i>Aide-mémoire</i> of the fourth meeting of the Working Group on Parentage / Surrogacy prepared by the Chair Annex II: List of participants of the fourth meeting of the Working Group on Parentage / Surrogacy
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>- Prel. Docs Nos 3A of February 2015, 3B and 3C of March 2014 and C&amp;R No 5 of CGAP 2015</li> <li>- Prel. Doc. No 3 of February 2016 and C&amp;R No 15 of CGAP 2016</li> <li>- Prel. Doc. No 2 of February 2017 and C&amp;R Nos 8-10 of CGAP 2017</li> <li>- Prel. Doc. No 2 of February 2018 and C&amp;R Nos 6-7 of CGAP 2018</li> <li>- Prel. Docs Nos 2A of October 2018, 2B of February 2019 and C&amp;R Nos 7-12 of CGAP 2019</li> <li>- Prel. Doc. No 2 of November 2019 and C&amp;R Nos 5-9 of CGAP 2020</li> <li>- Prel. Doc No 2A of October 2020, Prel. Doc. No 2B of February 2021 and C&amp;D Nos 5-6 of CGAP 2021</li> <li>- Prel. Doc. No 2A of July 2021, Prel. Doc. No 2B of November 2021 and C&amp;D Nos 5-6 of CGAP 2022</li> <li>- Prel. Doc. No 1 of November 2022 and C&amp;D No 3-8 of CGAP 2023</li> <li>- Prel. Doc. No 1 of November 2023 and C&amp;D No 2-3 of CGAP 2024</li> <li>- Prel. Doc. No 1A of April 2024, Prel. Doc. No 1B of November 2024 and C&amp;D Nos 3-4 of CGAP 2025</li> </ul>

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# Working Group on Parentage / Surrogacy: Report of the fourth meeting (from 7 to 11 April 2025)

## I. Introduction

- 1 From 7 to 11 April 2025, the Working Group (WG) on Parentage / Surrogacy met for the fourth time. The meeting was held in person at the offices of the Permanent Bureau (PB) of the HCCH in The Hague, with the possibility for online participation. The meeting was attended by 41 delegates and other experts, representing 25 HCCH Members and three Observers, as well as by members of the PB. The list of participants is included as Annex II.
- 2 At its 2023 meeting, the Council on General Affairs and Policy (CGAP) mandated the establishment of a WG on private international law (PIL) matters related to legal parentage generally, including legal parentage resulting from an international surrogacy arrangement. In addition, CGAP mandated:
  - “5. a. the Working Group first to explore provisions for, if possible, one new instrument on these matters, to further inform CGAP on policy considerations in relation to the scope and content of such instrument, including on the feasibility of reaching consensus. The Working Group could later explore the possibility of two instruments, if necessary;
  - b. the Working Group to proceed on the basis that the aim of any new instrument would be to provide greater predictability, certainty and continuity of legal parentage in international situations for all persons concerned, taking into account their human rights, including, for children, those enshrined in the *United Nations Convention on the Rights of the Child* (UNCRC) and in particular their right that their best interests be a primary consideration in all actions taken concerning them;
  - c. the Working Group to draw on the ideas and assessments in the Final Report of the Experts’ Group, recognising that a number of elements and approaches identified could feature either on their own or in a combined way; [...]”<sup>1</sup>
- 3 For the purpose of the WG “[t]o further develop provisions for a draft instrument and draft a final report of the work of the WG, CGAP invited the PB, in addition to the April 2025 meeting, to convene one further in-person meeting, with the possibility for online participation, within Financial Year (FY) 2025-2026, possibly in the second half of 2025, with intersessional work as required, as well as, if necessary, one online meeting before CGAP 2026. Intersessional work should take place online.”<sup>2</sup>
- 4 CGAP also “reiterated that any work by the HCCH in relation to private international law (PIL) matters related to legal parentage resulting from surrogacy arrangements should not be understood as supporting or opposing surrogacy”.<sup>3</sup>
- 5 The *Aide-mémoire* of the Chair of the WG set out in Annex I provides an overview of the main points of discussion at the Group’s fourth meeting.

## II. Proposal for CGAP

- 6 The WG invites CGAP to take note of the *Aide-mémoire* contained in Annex I of this document prepared by the Chair of the WG, based on the deliberations during the fourth meeting.

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<sup>1</sup> Conclusions and Decisions of the Council on General Affairs and Policy of the Conference (7-10 March 2023), 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>2</sup> CGAP 2025, C&D No 3.

<sup>3</sup> *Ibid*, C&D No 4.

## **ANNEXES**

## Annex I

### ***Aide-mémoire*** **of the fourth meeting of the Working Group on Parentage / Surrogacy prepared by the Chair**

1 This *Aide-mémoire* provides an overview of the main points of discussion at the fourth meeting of the Working Group (WG) held from 7 to 11 April 2025, under the chairmanship of Professor Michael Hellner (Sweden).

2 The WG pursued its discussion on safeguards / standards and how they could be included in an instrument. In this context, the WG recalled its mandate to proceed on the basis that the aim of any new instrument would be to provide greater predictability, certainty and continuity of legal parentage in international situations for all persons concerned, taking into account their human rights, including, for children, those enshrined in the *United Nations Convention on the Rights of the Child* (UNCRC) and in particular their right that their best interests be a primary consideration in all actions taken concerning them.

#### **A. Draft report and provisions for a possible Convention**

3 Prior to the fourth meeting a subgroup had carried out intersessional work on the draft Report and draft provisions for a possible instrument on legal parentage, including indirect grounds of jurisdiction, grounds for refusal and other matters concerning the recognition of judgments on legal parentage. The *rapporteur* of the subgroup presented an overview of work done to date.

4 The WG continued to work on the subgroup's draft provisions for a possible instrument on legal parentage and started its review of the draft Report to CGAP.

#### **B. Future work**

5 The Group will meet for its fifth meeting in November 2025 in order, among other things, to finalise its Final Report to CGAP. In preparation for its next meeting, the Group agreed that, based on the discussions at the fourth meeting, a subgroup would carry out intersessional work before November 2025. This subgroup will work on the Final Report, which includes draft provisions for a possible future instrument, discussions of policy issues arising, and sets out conclusions regarding the feasibility of reaching consensus on these issues and an instrument itself.

6 The Chair invited members of the WG to submit suggestions and / or comments intersessionally on the draft provisions by returning the draft text in track changes and / or with the addition of comments or by submitting these suggestions / comments in the form of (a) Working Document(s).

## Annex II

### List of participants of the fourth meeting of the Working Group on Parentage / Surrogacy

	<i>Representing</i>	<i>Surname</i>	<i>First name</i>	<i>Job Title</i>	<i>Organisation</i>
<b>Members</b>	<b>Argentina</b>	Rubaja	Nieve	Legal Adviser, Ministry of Foreign Affairs; Professor in Private International Family Law	University of Buenos Aires
	<b>Belgium</b>	Hanson	Laura	Legal Advisor, DG Legislation, Central authority of civil status	Service Public Fédéral de la Justice
	<b>Brazil</b>	Froeder Dittrich	Lalisa	Chief of the Unit for International Child Support	National Secretariat of Justice, Ministry of Justice and Public Security
	<b>Canada</b>	Goupil	Josée-Anne	Acting Deputy Director General and General Counsel	Department of Justice Canada
		Jacques	Emmanuelle	Counsel	Department of Justice Canada
	<b>China</b>	Gan	Yong	Associate Professor of Law	Wuhan University School of Law
		Xiong	Wenqin	Deputy Division Director, Department of Treaty and Law	Ministry of Foreign Affairs
		Xu	Huan	Adviser	Office of the President of the Court of Final Appeal of Macao SAR
Yuen		Cheuk Lun (Eric)	Senior Government Counsel (Treaties & Law), International Law Division	Department of Justice of Hong Kong SAR	

	Zheng	Ruyuan	Attaché, Department of Treaty and Law	Ministry of Foreign Affairs
<b>Czech Republic</b>	Pejchová	Petra	Legal Counsellor	Ministry of Justice
	Šišková	Eva	Legal Counsellor	Ministry of Justice
	Vedralová	Jana	Expert officer of the International Department for Civil Matters	Ministry of Justice
<b>European Union</b>	Vilar-Badia	Maria	Legislative Officer	European Commission
<b>France</b>	Fauchard	Estelle	Rédactrice	Ministère de la Justice
<b>Germany</b>	Janzen	Ulrike	Head of the Unit for Private International Law	Federal Ministry of Justice
<b>Greece</b>	Metallinos	Alexander	Member of the Greek National Authority of Assisted Reproduction	Greek National Authority of Assisted Reproduction
<b>India</b>	Jawale	Priyanka	Legal Officer II	Ministry of External Affairs
<b>Ireland</b>	Joy	Mary	Principal Officer, Head of Unit	Department of Justice and Law Reform
<b>Israel</b>	Friedberg	Jacob	Director of the Unit	Ministry of Justice

	Baron	Miriam	Senior Legal Counsel	Ministry of Justice
<b>Italy</b>	Bilotti	Emanuele	Professor of Private Law	European University of Rome
<b>Japan</b>	Nishitani	Yuko	Professor of Private Law	Kyoto University
	Ishikawa	Maiko	Attorney, Civil Affairs Bureau	Ministry of Justice
<b>Mexico</b>	Albornoz	María Mercedes	External Adviser; Professor of Private International Law	Ministry of Foreign Affairs; Centro de Investigación y Docencia Económicas
	Álvarez-Rendón	Martha Angélica	Director of International Law	Ministry of Foreign Affairs Mexico
<b>Netherlands</b>	van Bochove	Laura	Legislative Lawyer	Ministry of Justice and Security
<b>Russian Federation</b>	Shvets	Elena	Head of Section of the Legal Department	Ministry of Foreign Affairs
<b>South Africa</b>	Ozah	Ronaldah Lerato Karabo	Director, Centre for Child Law Faculty of Law	Centre for Child Law
<b>Spain</b>	González Beilfuss	Cristina	Professor in Private International Law	University of Barcelona
<b>Sweden</b>	Hellner	Michael	Professor of Private International Law <i>(Chair of the WG)</i>	Stockholm University



	<b>Switzerland</b>	Schickel-Küng	Joëlle	Co-Head of the Private International Law Unit	Federal Office of Justice
	<b>Ukraine</b>	Taranenko	Kateryna	Leading Expert, Unit for Conclusion of International Treaties on Legal assistance	Ministry of Justice
	<b>United Kingdom</b>	Knigh	Eral	Head of Private International Law Negotiations and International Relations	Ministry of Justice
		Wright	Andrea	Senior Legal Adviser	Ministry of Justice
	<b>United States of America</b>	Prosser	Sarah	Assistant Legal Adviser for PIL	U.S. Department of State
		Vogel	Lisa	Attorney Adviser	U.S. Department of State
<b>Observers IGO</b>	<b>United Nations Children's Fund</b>	Agcaoili	Grace	Technical Lead, Justice Child Protection Section, NYHQ	UNICEF
<b>Observers INGO</b>	<b>International Academy of Family Lawyers</b>	Casey	Margaret	Barrister	Margaret Casey, KC, Private Practice
		Dally	Jemma	Fellow, IAFL	Goodman Ray Solicitors

	<b>International Social Service</b>	Alloero	Carlotta	Senior Child Rights Adviser, Coordinator of the IRC Services	ISS
<b>HCCH</b>	<b>Permanent Bureau</b>	Martínez-Mora	Laura	First Secretary	HCCH
		Lee	Paul	Assistant Legal Officer	HCCH
		Wells-Greco	Michael	Consultant	HCCH
		Rioual	Louise	Intern	HCCH
		Canavan	Emma	Intern	HCCH
		Prénas	Mathilde	Senior Administrative Assistant	HCCH