

Council on General Affairs and Policy of the Conference – March 2019

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Title	Report on the activities of the Regional Offices in Latin America and the Caribbean and the Asia Pacific (1 January – 31 December 2018)	
Author	Permanent Bureau	
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Mandate(s)	n.a.	
Objective	To report on the main achievements of both Regional Offices of the Permanent Bureau for the year 2018	
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes	Annex A: Report of the Regional Office for Latin American and the Caribbean (ROLAC) Annex B: Report of the Regional Office for Asia and the Pacific (ROAP)	
Related documents	n.a.	

I. Introduction

1. This document chronicles the major activities and achievements of both the Permanent Bureau's (PB) Regional Offices (Report). The Regional Offices' (ROs) respective Reports are testament to their successful work raising the profile and visibility of the work of the Hague Conference on Private International Law (HCCH), including through promoting the HCCH Conventions and Instruments in their respective region.
2. The work of the ROs is integral to the HCCH's efforts to become a truly global organisation and this Report demonstrates their importance to increasing the membership of the Organisation; to attracting new Parties to the HCCH Conventions; and to engaging with those States which are already Parties with a view to assessing and improving the practical operation of HCCH Conventions. Both ROs organised and participated in various conferences, seminars and workshops. They also engaged through outreach activities and comprehensive stakeholder networks in their regions. Their activities reached government ministers, members of judiciaries, senior government officials, legal practitioners, academics, other international organisations, and many other professionals. Many stakeholders have become important supporters of the work of the HCCH. They promote the utility of HCCH Conventions and Instruments and greatly assist with encouraging the governments in their respective regions to participate more actively in the HCCH's work.
3. As of 2016, the financial information of the ROs is no longer included in the Report; instead, the finances of the ROs are part of the overall audit.¹

¹ See "Voluntary Contributions Report (1 January – 31 December 2018)", Prel. Doc. No 14 of January 2019 for the attention of the Council of March 2019 on General Affairs and Policy of the Conference, available on the HCCH website < www.hcch.net > under "Governance" then "Council on General Affairs and Policy".

ANNEXES

The Regional Office for Latin American and the Caribbean (ROLAC)

(Buenos Aires, Argentina)

I. Introduction

1. In 2005, the Permanent Bureau (PB) established a Special Programme for Latin American States in response to requests to expand the work of the HCCH in Latin America. Due to the Special Programme's success, and the generous support of the Argentinian Government, a Regional Office (RO) of the PB for Latin America was established. A decade later, in late 2015, the RO moved into its own offices. This move was made possible thanks to generous support from the Argentinian Government, which financed the renovations of the premises and has taken over the payments of rent. The new offices allowed the RO to expand its services in 2016, including with the support of interns doing research, follow up and translation work.

II. The office

2. ROLAC has its offices in Buenos Aires, Argentina. It is headed by a Representative who is supported by a part-time Legal and Office Co-ordinator. Both are paid by the HCCH Budget. The Argentinian Government continues to provide funds for the office and operational costs, and the Government of the United States of America generously funds ROLAC's travel expenses. In 2018, ROLAC welcomed one legal intern, ten translation interns and five International Relations interns.

III. Achievements: projects and activities in 2018

A. Activities in 2018

3. Provision of information: As part of its habitual work, ROLAC continued to respond to regular requests from officials, judges, and academics relating to the implementation and operation of Hague Conventions and ongoing legislative projects. The provision of these services facilitated a better understanding, implementation and thus operation of HCCH Conventions in the region, and increased engagement of regional actors in the work of the HCCH. Throughout these exchanges ROLAC also contributed with the monitoring role of the HCCH over its Conventions, identifying good practices and challenges with the implementation and operation of HCCH Conventions.

4. Support for legislative projects: During the course of 2018 ROLAC contributed in different ways to the development of the following legislative projects: Judgments (coordinated meeting of Latin American National Organs/delegates in preparation for the last Special Commission, kept National Organs (NOs) informed about the progress of the work, reviewed docs and responded questions requested by colleagues of the PB); Co-operation in respect of protection of tourists and visitors abroad (reviewed documents and supported with the organisation of the Expert's Group meeting); Draft GGP on 13(1) b (reviewed draft Guide); Cross-border recognition and enforcement of agreements reached in the course of family matters involving children (reviewed draft guide).

B. Organisation of International meetings

5. "Latin American Meeting on the Implementation and Operation of the Hague Conventions on Legal Co-operation and International Child Protection": this was the second event to celebrate the HCCH's 125th Anniversary, which took place in Buenos Aires, Argentina, from 13 to 15 August 2018. The conference was attended by 180 participants representing 24 jurisdictions. The Presidents of all the leading private international law institutions of Latin America, members of National Organs and

Central Authorities, child protection agencies and international bodies, members of the International Hague Network of Judges, officers of the legislative and judicial branches, diplomats, academics, and lawyers and students, demonstrated a great interest in the subject and the broad commitment towards the HCCH.

6. This Conference sought to focus on the challenges faced by States when implementing and improving the operation of those HCCH Conventions that deal with legal co-operation and international child protection. Over 40 experts from the region shared their expertise and experience. They put forward proposals on how to meet the many challenges they encounter regularly in the operation of HCCH Conventions. The fact that experts represented many different sectors, highly benefited the event which was enriched with the many different experiences and approaches shared at the meeting.

7. A common thread throughout the Conference was the increased visibility of the HCCH in Latin America and the Caribbean, and the key role being played by the Regional Office (ROLAC). The HCCH post-convention services were regarded as core part of its work and the one that distinguishes the Organisation from other legislative forums.

8. “Caribbean Meeting on International Child Protection – Implementing and Operating the Hague Child Protection Conventions”: it was held in Jamaica, on 24-26 October. The meeting was attended by 65 participants from 23 jurisdictions, including government officials, representatives of Central Authorities and Child Protection Authorities, members of the International Hague Network of Judges, academics and practitioners. The objectives of the meeting were to facilitate the implementation and operation of the 1980 Child Abduction Convention in Caribbean jurisdictions and to offer training to Central Authority officers and Hague Network Judges from the region; to promote the 1993 Adoption, the 1996 Child Protection and the 2007 Child Support Conventions; and to promote the implementation of international family mediation.

9. OAS-HCCH joint meeting with Legal Advisors of the Americas: On 16 August, the Secretary General and the Representative participated in a joint meeting co-organised with the OAS International Law Department and the OAS Juridical Committee. The meeting was generated at ROLAC initiative with the aim of reflecting about the challenges both Organisations face when creating and implementing private international law in the XXI Century, including challenges in developing hard law and soft law, and in particular the time it takes for States to absorb new international instruments. Legal Advisors agreed on the benefits of further developing the cooperation and exchange between the HCCH and the OAS in order to avoid duplications and better complement each other’s work. They also recognised the challenge presented by the invisibility of private international law, despite the importance it has, to improve people’s lives. There was agreement between participants on the importance of developing better synergies with the academic sector as a means to strengthen the capacity of MFAs to develop private international law work. There was also agreement that the decision about using hard law or soft law instruments should be taken on a case by case basis.

10. In addition, ROLAC contributed to the organisation of the global conference "HCCH 125 - Ways Forward: Challenges and Opportunities in an Increasingly Connected World", held from 18 to 20 April 2018 in Hong Kong SAR, People's Republic of China, and the “Conference of Hague Network Judges, Celebrating the 20th Anniversary of the IHNJs”, held in Miami, United States of America from 24 to 26 October 2018.

c. Participation / presentation in International Meetings

11. Euro-Latin American Parliamentary Assembly: at an invitation of the Office of the European Parliament Coordinator on Children's Rights, on 18 September, in Vienna, the Representative participated and addressed the Commission on Social Affairs, Youth, Children, Human Exchanges, Education and Culture, and presented on the challenges of the operation of the 1980 Child Abduction Convention in Latin America, and the protection of victims of international sexual exploitation and the benefits of the 1996 Child Protection Convention.

12. The child abduction slot focused on the challenges faced by some European Central Authorities in dealing with Latin American Central Authorities, and the offer of Latin American and European Parliamentarians to help with the implementation of the Convention in their respective jurisdictions. The sexual exploitation panel provided a good opportunity to highlight the benefits of protecting victims in international situations with the 1996 Child Protection Convention, to stress the latter's complimentary character to the Child Abduction Convention, and to encourage Latin American Parliamentarians to consider means to facilitate the incorporation of the 1996 Child Projection Convention in the jurisdictions that have yet not joined it.

13. Annual Assembly of the International Union of Notaries: On October 1st, the Representative participated and presented the 2000 Adults Convention at the assembly of the International Union of Notaries. The meeting was attended by hundreds of participants from all continents, representing 87 jurisdictions.

14. American Association of Private International Law: their annual meeting took place in Santa Cruz de la Sierra, Bolivia from 8 to 9 November, and the program focused on "Families in Private International Law". ROLAC's Legal and Office Coordinator participated in the meeting and presented on the topic "International Legal Cooperation in the procedural sphere as a way of protecting families". The event was helpful to promote the HCCH Children's Conventions, explain the way due implementation impacts their operation and to generate discussions among the academic sector in order to contribute to the implementation of the relevant Conventions in their respective jurisdictions.

15. Strengthening the operation of the 1980 Child Abduction Convention: This continues to be an important part of ROLAC's work. ROLAC responded to regular consultations from Central Authorities and members of the IHNJ, participated in a series of international child abduction trainings and seminars for judges, practitioners and other actors in Argentina, Brazil, Peru, Colombia and the United Kingdom. In addition, ROLAC continues to contribute to the inclusion of Latin American cases into the international child abduction database, INCADAT, mainly by identifying cases and coordinating with editors and translators.

IV. Challenges and future work

16. The Buenos Aires meeting, mentioned above, identified several challenges that should be addressed in order to better develop PIL and the work of the HCCH in the years to come:

- The first challenge for the development of PIL was its lack of visibility among decision makers. Experts considered that there is a need to better explain the role of PIL in increasing the protection of Human Rights and securing access to justice worldwide, in order to gain the necessary political support to further the development and implementation of PIL. The lack of awareness and expertise of legal operators was also recognised, and therefore the need to improve means to develop training for operators, and to include PIL in the curricula of Law Schools, Judicial Schools and Diplomatic Schools was recommended.
- State authorities recognised the limitations they have in following the work of different legislative international fora at a time (limited resources). In this regard, it was recommended that National Organs develop synergies and strengthen their cooperation with the Academic sector.
- The challenge of incorporating new Conventions to the domestic legal order was recognised as a severe challenge. It was suggested that States should strive to develop better internal coordination among Government agencies and relevant stakeholders, in order to make the process of incorporation of new Conventions more efficient.
- The implementation of Conventions was seen as the key factor to ensure their effective operation and to prevent them from becoming ineffective. In the case of Legal Co-operation Conventions, there was agreement that one of the highest challenges was to

overcome wide-spread delays in processing requests. In the case of the 1965 Service Convention and the 1970 Evidence Conventions, the use of modern technologies was highly encouraged (in particular the electronic transfer of requests and the use of videoconference).

- In relation with the Child Abduction Convention: The question of delays was again identified as the major challenge and there was agreement that the way to overcome them was through effective implementation, including procedural regulations, concentration of jurisdiction, training of operators and fluent cooperation through Central Authorities and Hague Network Judges.

17. ROLAC has taken note of the above-mentioned challenges and plans to adjust its work so as to contribute, in cooperation with relevant stakeholders, to the progressive implementation of the necessary actions to address them.

The Regional Office for Asia and the Pacific (ROAP)

(Hong Kong SAR, People's Republic of China)

I. Introduction

1. The Council on General Affairs and Policy (CGAP) of the HCCH endorsed the establishment of the Regional Office for Asia and the Pacific (ROAP) in the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong SAR) during its meeting in April 2012. The Regional Office officially opened on 13 December 2012 at its rented premises in Hong Kong. Following the positive assessment of ROAP by CGAP in 2016, the Council endorsed the continued operation of ROAP.

II. The Office

2. The current Representative of ROAP is headed by a (part-time) Representative for the Asia-Pacific Region, Supported by an Office Manager at the Regional Office as well as a secondee who performs certain legal tasks and supervises interns. All costs relating to the operation of ROAP, including those relating to the remuneration of its staff, are covered by voluntary contributions. From time to time, the Regional Office benefits from the engagement of long and short-term interns from local and overseas university students.

3. Since its establishment, ROAP acts as a bridge to enhance communications and understanding between the Permanent Bureau of the HCCH and all States in the Asia Pacific region. Despite its limited staff and resources, the Regional Office spared no effort to promote the HCCH and its Conventions by conducting events, developing projects and organising a variety of activities across the Asia Pacific. ROAP focused on the priorities projects identified by the PB, and its work covered the major work areas of the HCCH.

III. Achievements: project and activities 2018

4. From 18 to 20 April 2018, the PB, through ROAP and in cooperation with the Department of Justice of Hong Kong SAR, organised a global conference to commemorate HCCH's 125th anniversary in Hong Kong, People's Republic of China (PRC), which was entitled "The HCCH 125 – Ways Forward: Challenges and Opportunities in an Increasingly Connected World". Over 200 distinguished guests, leading experts and participants from government agencies, judiciary and academia from across the world attended the Conference. The Conference discussed the opportunities for, and challenges to, private international law as well as the evolution of the HCCH. The conference was opened by Mr Xie Feng, Commissioner of the Ministry of Foreign Affairs of the PRC in the Hong Kong SAR (HKSAR), Mr Geoffrey Ma, Chief Justice of the HK SAR, Ms Teresa Cheng, Secretary for Justice of the HKSAR, and Dr Christophe Bernasconi, Secretary General of the HCCH. Dr Jurgen Basedow, Director Emeritus of the Max Planck Institute for Comparative and Private Law, served as the keynote speaker. Other speakers include Lord Collins (Lawrence Collins), Non-Permanent Judge of the Court of Final Appeal of the HKSAR, and many other experts in the field of private international law. The conference programme was divided into two parts. The first part considered in which direction private international law may go, and what role the HCCH may play in this regard. The second part focused more specifically on the HCCH as a pre-eminent leader in the development of innovative private international law solutions, and on what needs to be done for the organisation to retain this position. Participants were treated to thought provoking ideas from many speakers. Participants also took part in lively debate and exchange of views in break-out sessions led by leaders in the field of private international law.

5. On 27 February, the Secretary General (SG), accompanied by the Representative of ROAP, met with Mr Yasonna Laoly, the Minister of Law and Human Rights of Indonesia in Jakarta. The meeting mainly focused on the possibility of Indonesia's joining the HCCH as a Member and the application of relevant HCCH Conventions which may benefit Indonesia (in particular Apostille and Child Abduction). On 12 July, with the aim of following up on the progress of Indonesia's accession to the Apostille Convention and joining HCCH as a Member, the Representative and the Legal Officer of ROAP met with officials from the Indonesian Ministry of Law and Human Rights in Jakarta to further discuss these issues.

6. On 1 May, the Secretary General, accompanied by the Representative of ROAP, met with Prof Wissanu Krea-ngam, Deputy Prime Minister of Thailand and Prof Wisit Wisitsora, the Permanent Secretary for the Ministry of Justice in Bangkok. While the discussion focused on Thailand's membership of HCCH, it also identified some other HCCH Conventions that may be of benefit to Thailand.

7. From 27 to 29 August, the Representative of ROAP was invited by the Department of Foreign Affairs of Philippines (DFA) to give a number of workshops / seminars on the Apostille Convention and the Service Convention to the DFA, the Integrated Bar of the Philippines and the Supreme Court of the Philippines. The workshops took place days before the Philippines acceded to the Apostille Convention and were intended to offer training for Philippine officials as well as officials from the Competent Authorities for the Convention.

8. On 9 October, the Secretary General, accompanied by the Representative of ROAP, met with Mr Tommy Thomas, the newly appointed Attorney General of Malaysia. This was a very useful meeting marked by its informal nature. The SG briefly outlined the work of HCCH and its Conventions and suggested that Malaysia should reap the benefits of membership in the HCCH by joining Conventions such as the Apostille Convention.

9. Apart from the above activities, ROAP cooperated with other international, regional and national organisations as well as universities in the region to promote the HCCH and HCCH Conventions, especially with the Asia Pacific Economic Co-operation (APEC), ASEAN, UNICEF, International Academy of Comparative Law and the Asia Academy of International Law.

10. Among these activities was a meeting with the Deputy Secretary General of ASEAN in February to consider ways and means of facilitating ASEAN Members to join HCCH Conventions. ROAP was also represented at two APEC Workshops held respectively in March and July in Papua New Guinea and Jakarta for the purpose of making presentations on HCCH Conventions which have the effect of facilitating the ease of doing business and enhancing access to justice. In July, ROAP sponsored a lunch seminar during the Congress of the International Academy of Comparative Law held in Fukuoka, Japan to introduce HCCH's work and update participants on the judgment projects. The Legal Officer of ROAP attended a seminar in September in Bangkok which was a joint HCCH / UNICEF project to present the HCCH Children's Conventions for States from Asia and the Pacific. ROAP also participated in the China-AALCO (Asian-African Legal Consultative Organization) Exchange and Research Program on International Law held in Hong Kong in September during which the work and the conventions of HCCH were presented to the participants.

IV. Challenges and future Work

11. In the process of persuading more States to join HCCH and its Conventions, two challenges remain most evident: the first one lies in the region's diverse legal systems based on different legal traditions and religions. One example is legal systems that may be based partly on the sharia law, especially when it comes to family matters, which may be seen by some as an impediment for these States to accede to the relevant HCCH Children's Conventions. The second challenge is the fact that the legal system in several States in the region is still undergoing development, resulting in fewer

accessions to HCCH conventions. There is also a great need to work with States with an “emerging” legal system so that they may understand better the work of HCCH and its instruments.

12. In addition to these challenges, ROAP’s ongoing resource constraints (relying solely on voluntary contributions by Members) will be intensified in the near future, as funding from voluntary contribution may be exhausted in the course of 2020 unless there are fresh contributions. If the issue is not resolved, it will be difficult for ROAP to make long-term future plans with respect to its work in the Region.

13. In 2019, ROAP will continue to engage in events and activities to promote the HCCH and its core Conventions, look into ways of strengthening the network of National Organs as well as Central and Competent Authorities in the region and enhance the various post-Convention services developed by the HCCH. In February, ROAP will assist the PB and the Government of Hong Kong SAR in organising two Working Group meetings of the judgment project in Hong Kong. In July/August/September, ROAP will work with Members in the region, such as China (Hong Kong SAR), to promote the Judgments Convention which is expected to be concluded in July 2019 by a series of activities. In addition, ROAP is exploring the possibility of holding another Asia and Pacific Week in 2020 or early 2021 in a State in the region.

14. ROAP is excited that it will move its office to the former French Mission Building located in the Central District of Hong Kong in mid-2020, which is generously provided by the Government of Hong Kong SAR. ROAP is to work with the Hong Kong SAR Government with a view to facilitating the relocation as well as proceeding with all necessary preparation and logistical work during the course for the move in the course of 2019.