

Convention of 13 January 2000 on the International Protection of Adults

As the human lifespan lengthens, the incidence of age-related illnesses increases. The migration of individuals for economic and other reasons results in a number of people choosing to live in countries other than the one in which they were born. Any arrangements made by adults in anticipation of their potential, future inability to look after their own interests should be respected abroad, with dignity and autonomy of the adult as primary considerations.

The Protection of Adults Convention offers a framework for the protection of adults in international situations who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests. The Convention addresses cross-border situations involving the movement of people including their property located in different jurisdictions by providing a comprehensive body of rules on jurisdiction, applicable law, and recognition and enforcement of protective measures. In doing so, it also establishes mechanisms for cooperation between the authorities of Contracting Parties. It also reinforces provisions of the UN Convention on the Rights of Persons with Disabilities, in particular Article 12 on equal recognition before the law, Article 18 on the liberty of movement and nationality, and Article 32 on international cooperation.

Principal features of the Convention

Scope of Convention

The Protection of Adults Convention applies to the protection in international situations of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests (Art. 1). An adult is a person who has reached the age of 18 years. The Convention provides a non-exhaustive list of protective measures, including the designations and functions of a representative, the administration of the adult's property, and the institution of a protective regime for the adult (Art. 3).

Jurisdiction

The Convention provides uniform rules to determine which authorities are competent to take the necessary measures of protection. The general rule is jurisdiction based on the authorities of the adult's habitual residence (Art. 5) with concurrent but subsidiary jurisdiction of the State of the adult's nationality (Art. 7). The Convention also recognises the jurisdiction of the authorities of the State where the adult owns property (Art. 9) and emergency protective measures or temporary protective measures with limited territorial effect (Arts 10 and 11). The Convention provides further flexibility by allowing authorities with primary jurisdiction to request authorities in other Contracting Parties to take protective measures in the interests of the adult (Art. 8).

Applicable law and powers of representation

Generally, in exercising jurisdiction under the Protection of Adults Convention, authorities shall apply their own law (Art. 13).

Alternatively, the adult may designate the applicable law regulating all aspects of the powers exercised by the appointed representative (Art. 15). The adult may choose to designate the laws of: a) a State of which the adult is a national; b) the State of former habitual residence; or, c) a State where the adult's property is located. In this way, the Convention ensures that a "power of attorney", "*mandat de protection*

future” or similar institution is enforceable in another Contracting Party, even if an analogous institution is absent in that State’s domestic law. This ensures that arrangements previously made by the adult for the management of their affairs will be respected in other Contracting Parties. Protective measures taken under the Convention in one Contracting Party will be recognised by operation of law in all other Contracting Parties.

Recognition and enforcement

Measures of protection directed towards the person or property of an adult that are taken in one Contracting Party will be recognised by operation of law in all other Contracting Parties. There are limited grounds on which recognition may be refused (Art. 22).

Role of Authorities

Contracting Parties must designate a Central Authority to discharge the duties imposed by the Convention, which primarily relate to mutual assistance and facilitating effective communication between Contracting Parties (Art. 28). This system of cooperation enables, among other things, information exchange, the facilitation of agreed solutions in contested cases, and the location of missing adults.

Additional resources

The [Protection of Adults Section](#) of the HCCH website contains the latest information about the Protection of Adults Convention. This includes:

- Text of the Convention
- Status table of Contracting Parties
- Explanatory Report on the Protection of Adults Convention