

Council on General Affairs and Policy of the Conference – March 2018

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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 2017)	
Author	Permanent Bureau	
Agenda item	Item V	
Mandate(s)	n.a.	
Objective	To report on the main achievements of both Regional Offices of the Permanent Bureau for the year 2017	
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.	

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 Hague 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 Member States; to gaining new Parties to the Hague Conventions; and to engaging with those States which are already Parties with a view to assessing and improving the practical operation of Hague 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 Hague Conventions and Instruments and greatly assist with encouraging the governments in their respective regions to participate more actively in the HCCH's work.

3. In line with the Council on General Affairs and Policy approving an extension of the geographical reach of the RO in Latin America to cover the Caribbean, and the associated change of the office's name to "Regional Office for Latin America and the Caribbean", as well as the standardisation of the nomenclature of the PB's ROs, changing the name of the RO for the Asia Pacific to "Regional Office for Asia and the Pacific", this Report now uses the new nomenclature and the respective acronyms ROLAC and ROAP.

4. As of 2016, the financial information of the Regional Offices is no longer included in the Report; instead, the finances of the Regional Offices are part of the overall audit.¹

¹ See "Voluntary Contributions Report (1 January – 31 December 2017)", Prel. Doc. No 12 of February 2018 for the attention of the Council of March 2018 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".

A N N E X E S

The Regional Office for Latin American and the Caribbean (ROLAC)
(Buenos Aires, Argentina)

A. 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.

B. Extending the Regional Office's geographic reach to include the Caribbean region

2. In 2017, the Council on General Affairs and Policy (Council) noted the increasing interest in the work of the HCCH shown by Caribbean States over the past few years. It therefore approved the extension of the geographic reach of the RO in Latin America to include the Caribbean region. It also approved a change of name of the RO to "Regional Office for Latin America and the Caribbean". Its new acronym is ROLAC. This measure has proven to be of significant benefit for the operation of the RO, the PB and the HCCH as a whole. In particular, during 2017, Caribbean States have shown great interest in acceding to, among other Conventions, the 1980 Child Abduction Convention, which resulted in three dedicated missions to Jamaica, the Bahamas and Guyana.

C. The Office

3. The RO is located in Buenos Aires, Argentina. It is headed by Mr Ignacio Goicoechea, the Representative of the Hague Conference for Latin America and the Caribbean (Representative). Ms Florencia Castro, part-time Legal and Office Co-ordinator, supports the Representative performing legal and administrative tasks. The Argentinian Government continues to provide funds for the RO's premises and its operational costs, and the Government of the United States of America generously funded the RO's travel expenses. In 2017, the RO welcomed one legal intern (from Costa Rica), five translation interns (from Argentina) and three International Relations interns (from Argentina).

D. Achievements: projects and activities in 2017

4. The RO continued to respond to requests relating to the application and operation of the Hague Conventions. These requests are received regularly, including from officials, judges, and academics. The answers provided resulted in a better understanding, and thus operation, of the Hague Conventions within the region. Providing this service also ensured better accessibility to Hague Conventions and Instruments, while allowing the HCCH to identify efficiently existing practices, and possible concerns, regarding the practical operation of the Conventions and Instruments.

From 29 to 31 March 2017, 62 International Hague Network Judges and Central Authority officials, representing 27 jurisdictions, met in Panama City at the "2nd Inter-American Meeting of Central Authorities and International Hague Network Judges on International Child Abduction" to discuss how to improve the practical operation of the 1980 Hague Child Abduction Convention. The Inter-American Meeting was co-organised by the Ministry of Foreign Affairs of Panama, the judiciary of Panama, and the HCCH. The meeting also benefited from the support of the Canadian Department of Foreign Affairs, the State Department of the United States of America, as well as the organisation REUNITE. The main focus of discussions at the meeting was to identify obstacles that generate delays in the different phases of proceedings both at the Central Authority and judicial level. Several jurisdictions shared specific implementing measures that have proven successful in avoiding delays. Importantly, the meeting contributed

significantly to the preparations for the Seventh Meeting of the Special Commission on the Practical Operation of the 1980 Child Abduction and 1996 Child Protection Conventions, which was held in The Hague in October 2017.¹

5. From 31 July to 1 August, the Representative and the Secretary General participated in the “Central American Judicial Seminar on the Hague Conventions” held in Costa Rica. The Seminar was hosted by the Supreme Court of Costa Rica and the Ministry of Foreign Affairs (MFA). The majority of participants were Costa Rican judges, public defenders, prosecutors, private lawyers, and officers from the MFA, but in attendance were also members of the IHNJ and public officers from other Central American countries. During the meeting, strong interest was given to the 1996 Child Protection and the 2007 Child Support Conventions.

6. From 3 to 5 August, the 7th Journal of Private International Law Conference took place in Rio, Brazil. This was the first time that this highly regarded event took place in the region, and it was another concrete sign of the increasing interest that private international law is gaining in the region. The RO participated, providing a presentation on topics relevant to the work of the HCCH.

7. The co-operation of the RO with Ibero-American institutions continues to be productive. The RO gave a tele-presence presentation at the VI IberRed Child Abduction meeting of contact points, which took place from 6 to 9 November, in Antigua, Guatemala. The meeting was attended by 11 Ibero-American States. The main focus of discussions were the use of direct judicial communications, the benefits and use of the 1996 Child Protection Convention, including in relation to the 1980 Child Abduction Convention, and domestic violence in the context of Article 13(1)(b) of the 1980 Child Abduction Convention.

8. Another significant event to which ROLAC contributed was the annual meeting of the American Association of Private International Law (ASADIP), which took place at the premises of the Chamber of Commerce of Bogota, Colombia from 9 to 10 November. This year’s programme focused on the international activities of companies, and the RO participated in a panel called “Companies, international fora and integration schemes”, promoting those Hague Conventions and projects that have a link to the operation of companies abroad. Furthermore, in December 2017, the HCCH and ASADIP launched a consultation process amongst ASADIP Members, to gather their opinions about current and future challenges of private international law in general, and in particular about the way that the HCCH should address them. The consultation process was ongoing at the time of developing this report, and therefore the outcomes will be presented orally at the Council meeting.

9. Strengthening the operation of the 1980 Child Abduction Convention continues to be an important part of the RO’s remit. It responded to regular consultations from Central Authorities and IHNJ, participated in a series of international child abduction trainings for judges and other actors in Panama, Colombia, Costa Rica, Honduras, Nicaragua, Venezuela and Brazil, and provided post-Convention assistance to Costa Rica to implement mediation procedures for child abduction cases. In addition, the RO continues to contribute to the inclusion of Latin American cases into the international child abduction database, INCADAT, mainly by identifying cases and co-ordinating with editors and translators.

E. Challenges

10. Ensuring the proper operation of the 1980 Child Abduction Convention remains an ongoing priority for ROLAC. As a result of the Second Inter-American Meeting and the Seventh Special Commission, several States have been invited to revise their procedures (including, where applicable, at the Central Authority, judicial, enforcement and mediation / ADR phases). ROLAC encourages States in the region to conduct these revisions. Subject to resources, it remains available to assist when and where needed. The language barrier is still a considerable obstacle for the engagement of Latin American States / actors in the work of the HCCH. In this regard,

¹ See “Conclusions & Recommendations of the meeting of the Special Commission on the 1980 Child Abduction and 1996 Child Protection Conventions – October 2017”, Prel. Doc. No 9 of January 2018 for the attention of the Council of March 2018 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”.

interns supported the translation of 33 documents into Spanish or English (including questionnaires, reports, case summaries, agendas, summaries, Preliminary Documents for the 1980 and 1996 Special Commission Meeting and an ISS document on international family mediation).

F. Future work

11. The RO continues to seek the increased engagement of Caribbean States and institutions in the work of the HCCH. This builds upon the momentum gained with past, successful regional meetings and the 2017 missions to the Caribbean. Finally, as part of the HCCH's 125th Anniversary, ROLAC will use the Organisation's increased visibility to promote the work of the HCCH, including by itself organising regional events honouring this milestone.

The Regional Office for Asia and the Pacific (ROAP)

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

A. Introduction

1. The Council on General Affairs and Policy (Council) of the Hague Conference on Private International Law (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. Thereafter, preparatory work for the establishment of the Regional Office (RO) progressed from May to November 2012. The Asia Pacific Regional Office officially opened on 13 December 2012 at its rented premises in Hong Kong.

B. The Office

2. Professor Anselmo Reyes, SC served as the Representative of ROAP until 31 July 2017. He was succeeded by Mr Frank Y.K. Poon, former Solicitor General of the Hong Kong SAR, on 1 August 2017, as the third Representative of ROAP. During his tenure of nearly five years, Professor Reyes made a significant contribution to the work of the HCCH by enhancing its profile and its presence within the region. At the HCCH Asia Pacific Week 2017, the Secretary General wholeheartedly thanked him for his outstanding work in raising the visibility and profile of the HCCH in the Asia Pacific region. Ms Alix Ng holds the position of Office Manager at the RO. Ms Judy Xiong, who has been seconded from the Ministry of Foreign Affairs of the People's Republic of China, succeeded Mr Daniel Zhu as the Legal Officer at the RO in July 2017. From time to time, the RO 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 (PB) of the HCCH and all States in the Asia Pacific region. Despite its limited staff and resources, ROAP spared no effort to promote the HCCH, as well as its Hague Conventions and Instruments, by developing projects and by conducting events and a variety of other activities across the Asia Pacific. ROAP focused on the priorities of the PB, and its work covered the major work areas of the HCCH.

C. Achievements: project and activities 2017

4. From 3 to 6 July 2017, the PB, through ROAP and in co-operation with the Ministry of Justice and the Supreme Court of Korea, organised the HCCH Asia Pacific Week 2017 in Seoul, South Korea. The Symposium was organised to commemorate the 20th anniversary of the Republic of Korea's membership of HCCH. 250 delegates from the region and abroad focused on the relevance of Hague Conventions to the wider region of Asia Pacific, shared and exchanged information on Convention-related practices and experiences, and strengthened co-operation amongst participating States. The Symposium also attended to a number of subjects and it included sharing of experiences in the implementation and operation of Hague Conventions in the Asia Pacific region, in-depth review of the subjects of child abduction, intercountry adoption, child protection and child support, apostilles and e-APP, international litigation and information technology (service by electronic means, use of video-conferencing to obtain evidence under the 1970 Evidence Convention), validity of choice of court agreements to evade application of overriding mandatory rules, and the current Judgments Project on recognition and enforcement of foreign judgments.

5. On 20 September, the Secretary General, accompanied by the Representative and the Legal Officer of ROAP, met with Mr Xie Feng, the Commissioner of the Ministry of Foreign Affairs of China in Hong Kong. On the same day, they met with Mr Paul Tsang, Law Officer (International Law) from the Department of Justice of the Hong Kong SAR. The discussions mainly covered the role of the HCCH in the Belt and Road Initiative by China, China's role in the HCCH, the development of the HCCH and ROAP, the HCCH 125th anniversary conference to be held in Hong Kong, and the possible revision of the Host Country Agreement signed between China and the HCCH. During this visit to Hong Kong SAR, the Secretary General also delivered the Hochelaga Lecture entitled "HCCH and China" at Hong Kong University.

6. 2017 marked the 30th Anniversary of membership of the HCCH for China. In connection with this occasion, the Secretary General and members of the PB and ROAP attended and gave presentations during the “Global Forum on Private International Law – Cooperation for Common Progress: Evolving Role of Private International Law” (Global Forum), held on 22 and 23 September. The event was organised by the Chinese Ministry of Foreign Affairs and the China Society of Private International Law (CSPIL) in Wuhan, China. It was hosted by Wuhan University and supported by the HCCH.

7. From 25 to 26 October, an Experts’ Roundtable Discussion on the Hague Children’s Conventions was held in the International Islamic University Malaysia (“IIUM”) in Kuala Lumpur. The Secretary General and the Representative both attended. The Roundtable was organised jointly by the IIUM, the Attorney General’s Chambers of Malaysia and the International Centre for Law and Legal Studies. The Secretary General gave an overview of the HCCH and its work. In relation to the 1980 Convention, the Secretary General pointed out that a number of Islamic States had become Parties to the Convention, relating some of these accessions to the Malta Process.

8. From 11 to 13 December, the HCCH, together with the Ministry of Justice of Viet Nam, and with the financial support of the *Mission Adoption Internationale* (MAI) of France, organised a “Workshop on the implementation of the 1993 Hague Adoption Convention in Asia: state of play and experience sharing” in Hanoi, Vietnam. 40 experts from Cambodia, China (Hong Kong SAR), the Republic of Korea, Laos, the Philippines, Thailand and Viet Nam, as well as representatives of UNICEF attended.

9. Apart from the above activities, ROAP co-operated with other international, regional and national organisations to promote the HCCH and Hague Conventions, especially with the Asia Pacific Economic Co-operation (APEC), ASEAN, UNCITRAL etc.

D. Challenges

10. The Asia Pacific region is a region where jurisdictions are geographically widely spread and highly diverse in terms of history, culture, religion, language, economy and legal system. These differences and diversity pose substantive challenges to the RO as it seeks to reach out to them and share with them the purposes and objectives of the HCCH, *i.e.*, the progressive unification of private international law. The challenges are amplified in light of jurisdictions that may have legal systems based on religion, such as sharia law, that may be applicable to family matters. Despite the challenges, it is still imperative for ROAP to promote the HCCH’s visibility and benefits among all stakeholders in the region.

11. Additionally, due to ROAP’s resource constraints (relying solely on voluntary contributions from Members) and the lack of a steady stream of income to support the day-to-day operation of the office, it is difficult to make long-term plans with respect to its work in the region.

E. Future work

12. In 2018, ROAP will continue to engage in events and activities promoting the HCCH and its core Conventions, looking into ways of strengthening the network of National Organs as well as Central and Competent Authorities in the region and enhancing the various post-Convention services developed by the Conference. The RO will focus on the HCCH 125th Anniversary’s global conference entitled “HCCH 125 – Ways Forward: Challenges and Opportunities in an Increasingly Connected World” which will take place at the University of Hong Kong in the Hong Kong SAR from 18 to 20 April 2018. Leading legal experts in private international law will discuss a wide range of issues related to private international law in general, the HCCH and its work. With the support of the Department of Justice of Hong Kong SAR, the Permanent Bureau, including ROAP, will continue to prepare and host the Conference.

13. In the latter half of 2018, ROAP will enter into active consultation with the Government of the Hong Kong SAR with a view to agreeing on the terms for taking over office accommodation located in the Central District of Hong Kong, generously provided to ROAP with effect from 2020.