

Title	Report on the elaboration of a statistical report for the HCCH 2007 Child Support Convention
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Author	PB
Agenda Item	Item TBD
Mandate(s)	C&D Nos 22-24 of 2020 CGAP; C&D No 29 of 2021 CGAP
Objective	<p>- Members are invited to respond by e-mail by 15 April 2022, to provide comments on and / or indicate their support for this draft statistical report under the 2007 Child Support Convention developed in consultation with the ACWG on a consensus basis.</p> <p>- Responses should be addressed to secretariat@hcch.net with “Prel. Doc. No 18B [name of State] comments” in the subject line.</p>
Action to be Taken	<p>For Decision <input checked="" type="checkbox"/></p> <p>For Approval <input type="checkbox"/></p> <p>For Discussion <input type="checkbox"/></p> <p>For Action / Completion <input type="checkbox"/></p> <p>For Information <input type="checkbox"/></p>
Annexes	<p>Annex I Excerpt from the <i>Aide-mémoire</i> of the Administrative Cooperation Group, December 2020</p> <p>Annex II Indicators for a statistical report under the HCCH 2007 Child Support Convention</p>
Related Documents	<p>Prel. Doc. No 6 of April 2020; Prel. Doc. No 10 of July 2020; Prel. Doc. No 13 of June 2021, Prel. Doc. No 16 of June 2021, Prel. Doc. No 18B of December 2021</p>

Table of Contents

I.	Introduction	3
II.	2020-2021 consultations on the elaboration of a statistical report for the 2007 Child Support Convention	4
III.	Prel. Doc. No 16 of June 2021	6
A.	General statistics	6
1.	Total number of open cases (incoming and outgoing).....	6
2.	Total number of open incoming cases, with detail per State.....	7
B.	Statistics under Article 10 (including Art. 30).....	7
1.	New incoming applications by type.....	7
2.	New incoming applications by type and by State	8
3.	Outcomes of applications under Article 10 (including Art. 30).....	8
4.	Average and median duration between receipt of applications (i.e., recognition and enforcement, enforcement, establishment and modification of a decision) and the objective of the application being reached	9
C.	Statistics under Article 7.....	9
1.	New incoming requests for specific measures.....	9
2.	New incoming requests for specific measures, with detail per State	10
3.	New incoming requests for specific measures, with detail on types of requests	10
4.	Outcome of requests under Article 7	10
IV.	Outcome at the end of 2021 – Prel. Doc. No 18B	10
V.	Format of the statistical report.....	12
VI.	Protocol for the release of statistics	12
	Annex I	i
	Possible statistical report under the 2007 Child Support Convention (excerpt from the <i>Aide-mémoire</i> of the Administrative Cooperation Group, December 2020)	i
	Annex II Indicators for a statistical report under the HCCH 2007 Child Support Convention.....	iii

Report on the elaboration of a statistical report for the HCCH 2007 Child Support Convention

I. Introduction

1 Article 54 of the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (“2007 Child Support Convention” or “Convention”) states:

“1) The Secretary General of the Hague Conference on Private International Law shall at regular intervals convene a Special Commission in order to review the practical operation of the Convention and to encourage the development of good practices under the Convention.

(2) For the purpose of such review, Contracting States shall co-operate with the Permanent Bureau of the Hague Conference on Private International Law in the **gathering of information, including statistics** and case law, concerning the practical operation of the Convention.”

2 It follows that any collection of statistics under the Convention should support its overarching objective of improving the recovery of international child support. To achieve this stated aim, Central Authorities designated in accordance with the Convention will apply different processes and methods in order to meet their obligations *i.e.*, under Article 12 of the Convention to process incoming applications as quickly as possible.¹ What is important at the global level is to measure the efficacy of recovery rather than the diversity of practices, which can be apprehended otherwise.²

3 At its 2020 meeting, the Council on General Affairs and Policy (CGAP) mandated the Permanent Bureau (PB) to continue the preparations for the first meeting of the Special Commission on the practical operation of the Convention and its Protocol. This Special Commission was initially scheduled for June 2020 and repeatedly delayed because of the Covid-19 pandemic. It is now scheduled to take place in March / June 2022 (tbc).

4 In a questionnaire in preparation for that Special Commission that was circulated in August 2019,³ 11 respondents (out of 18) showed interest in a standardised statistical report.⁴

5 In lieu of the First meeting of the Special Commission delayed to December 2020,⁵ the PB convened a meeting of the Administrative Cooperation Working Group (ACWG) on the 2007 Child Support Convention⁶ in December 2020 to discuss statistics under the Convention with a view to assist the PB with the elaboration of a statistical report under the Convention.

6 In 2021, CGAP welcomed the work completed with the assistance of the ACWG and mandated the PB to make arrangements for further meetings of the ACWG ahead of the Special Commission meeting. The ACWG met again in May 2021, and a subgroup was formed to focus on clearly defining data elements. The subgroup met on 28 October and 11 November 2021.

¹ See, *infra* no 8.

² For instance, see [Prel. Doc. No 8 of July 2021](#) – Working Practices of Central Authorities under Articles 5 and 6 of the 2007 Convention

³ [Prel. Doc. No 1 of August 2019](#) - Questionnaire on the practical operation of the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance

⁴ [Prel. Doc. No 3 of March 2020](#) – Planning for the First Meeting of the Special Commission, Annex I

⁵ Postponed again to June 2021 and then to March / June 2022 (tbc).

⁶ On 23 November 2007, the Twenty-First Session of the HCCH “5. Recommend[ed] that the Administrative Co-operation Working Group should on an interim basis continue its work as a forum for discussion of issues of administrative co-operation [...]”

7 In parallel, the European Commission awarded funding to the HCCH for the development of a statistical report on the 2007 Convention in iSupport as it was done in 2015 for the EU Maintenance Regulation (*Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations*). Funding is awarded for a particular duration and the project will end in August 2022. iSupport is a secure case management and communication system for the international recovery of child support and is developed by the HCCH.

II. 2020-2021 consultations on the elaboration of a statistical report for the 2007 Child Support Convention

8 In April 2020, the PB drafted a first document on a possible statistical report for the 2007 Child Support Convention.⁷ It presented the experience of other HCCH Conventions, as well as the EU Maintenance Regulation, and emphasised the benefits of using the relevant mandatory and recommended Forms for the collection of statistics. It also remarked that the whole process would be greatly facilitated by the use of iSupport which is already used successfully to collect the EU Maintenance Regulation statistics. The document proposed the following indicators, both from the perspective of requesting and requested States:

- Number of cases;
- Type and number of applications under Article 10;
- Length of time between application and establishment of a decision / decision modification / beginning of enforcement;
- Type and number of requests for specific measures under Article 7;
- Types of enforcement measures and percentage of cases subject to such enforcement measures;
- Amounts of money recovered and received.

9 Prel. Doc. No 6 also presented the experience of other HCCH Conventions in terms of statistics. All other statistical reports collected by the PB use the same reference of a year to measure the global operation of a Convention, in particular for the sake of comparison from one year to the other. These other statistical reports collected by the PB assess more specifically the steps taken by Central Authorities during the first year of receipt of incoming applications to meet their Convention obligations.⁸

10 Replies to Prel. Doc. No 6 highlighted the preference of responding States for a phased approach, with certain basic indicators being collected initially, while more complex indicators would be collected at a later stage, when the use of iSupport is more widespread. Several respondents

⁷ Prel. Doc. No 6 of April 2020 – Possible statistical report under the 2007 Child Support Convention

⁸ For example, under the *Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (the 1980 Child Abduction Convention), if a competent authority has not reached a decision within six weeks from the date of the commencement of the proceedings it can be asked for the reasons for the delay (see Art. 11). Under *Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction*, the return of a child under the 1980 Child Abduction Convention shall be completed within 18 weeks from the date of the commencement of the proceedings at first instance, including a possible appeal (see Arts 24 and 28). Under the 2007 Child Support Convention, Article 12(3) provides that “[t]he requested Central Authority shall, within six weeks from the date of receipt of the application, acknowledge receipt in the form set out in Annex 2, and inform the Central Authority of the requesting State what initial steps have been or will be taken to deal with the application, and may request any further necessary documents and information”. Para. 330 of the Explanatory Report mentions the use of a Status of Application Report to this end. Article 12(4) provides that “[w]ithin three months after the acknowledgement, the requested Central Authority shall inform the requesting Central Authority of the status of the application” again using a Status Report. Afterwards, in accordance with Article 12(5) “[r]equesting and requested Central Authorities shall keep each other informed of - [...] (b) the progress of the case” without indicating how and within which timeframe.

indicated their preference for simple and accessible data with a view to collecting as relevant data as possible with minimal efforts.

11 In a follow-up document, Prel. Doc. No 10,⁹ the PB suggested, as a possible way forward, a core report that could be completed by most Central Authorities to show the trends with regard to cases, applications and requests and which would include:

- Current number of open cases;
- New outgoing and incoming applications under Article 10 over a calendar year (by type of applications);
- New outgoing and incoming requests for specific measures under Article 7 over a calendar year.

In addition, Central Authorities were asked if they would be able to provide data under the following indicators:

- Article 10:
 - ⇒ New outgoing and incoming applications over a calendar year (by type of application, detail per State);
 - ⇒ Detail of outcomes
 - ⇒ Detail of enforcement measures under Article 34;
 - ⇒ Average duration in days between receipt of application and establishment of a decision, modification of a decision and decision sent to enforcement authority.
- Article 7:
 - ⇒ New outgoing and incoming requests for specific measures over a calendar year (detail per State);
 - ⇒ New outgoing and incoming requests for specific measures over a calendar year (detail on type of request);
 - ⇒ Detail on outcomes.
- As well as data on enforcement measures and amounts of money transferred and received.

The idea was to obtain a picture of indicators that could be collected as of now. In this respect, reference is made to the deadline pertaining to iSupport funding: in order to make the best use of available funds, the report to be programmed into iSupport should be as comprehensive as possible, with the clear understanding that not all Central Authorities will be able to provide data for all indicators. The use of iSupport will facilitate the collection of statistics with the understanding that the statistics available from iSupport will only reflect the countries using iSupport.

12 The responses included confirmation from a majority of States that the following indicators could be provided as of the time of the report: total number of open cases (including detail per country); number of applications (including type and detail by country), new incoming and outgoing requests (including detail on type). Indicators that were not available in the majority of States included the following: detail on outcomes of applications; detail on enforcement measures; average duration between receipt of application and being sent to enforcement agency, detail on outcomes of requests for specific measures.

13 Prel. Doc. No 10 reiterated the benefits of collecting statistics in terms of allowing Contracting Parties to adjust their allocation of resources and achieve a better understanding of trends in international child support recovery by comparing over the years, using yearly reports, the total number of cases, the types of applications and requests for specific measures.

⁹ [Prel. Doc. No 10 of July 2020](#) – Summary of Responses to Prel. Doc. No 6 and further elaboration of a statistical report under the 2007 Child Support Convention

- 14 In December 2020, the ACWG met to discuss, inter alia, the collection of statistics including the responses found in Prel. Doc. No 10. A summary of the discussions is available in Prel. Doc. No 13¹⁰ and an excerpt of the meeting's *aide-mémoire* in relation to statistics is provided in Annex I. Based on information about the availability of indicators, the Group restated its preference for a phased approach, and the inclusion in a future report of the indicators listed above in paragraph 11 for those using iSupport. At this point, however, the Group decided that data on enforcement measures and amounts of money transferred and received were not a priority, nor would data on the number of children be included. With respect to detail on outcomes as provided by status reports from the perspective of the requested State, there was a concern that status reports are used inconsistently. A number of States noted they would have difficulty in making this information available now or in the future. The Group agreed that statistics could be collected annually on either a calendar or fiscal / financial year based on domestic collection methods. In December 2020, the understanding was that only those indicators with enough data would be published.
- 15 At its May 2021 meeting, the ACWG made some recommendations on the position (lighter report or more comprehensive report) of some indicators, with indicators that a majority of States cannot currently provide being included in a separate Annex. Data on these indicators would be provided by States using iSupport. The Group also recommended that data should be collected from the point of view of the requested State (incoming applications) only for better clarity of the report and avoiding collective duplication of efforts, as well as because certain indicators are more difficult to collect from the point of view of the requesting State. At this point, the Group also recommended that all collected data should be published. There was a suggestion that a protocol for the publication of the statistics should be developed.

III. Prel. Doc. No 16 of June 2021

- 16 Prel. Doc No. 16¹¹ reflected those decisions and presented two possible statistical reports: a lighter one that could be used until iSupport is more widely in use, as well as a more comprehensive report that could be used when iSupport is used more widely. The reports included the indicators mentioned above in paragraph 11 (the detail on requesting States was added to the data on open cases) which has received the overwhelming support of the ACWG at its December 2020 and May 2021 meetings as well as through the July- September 2021 consultations on Prel. Doc. No 16. These indicators are listed below, with any amendments made by the subgroup (see Section IV) included.

A. General statistics

1. Total number of open cases (incoming and outgoing)

- 17 The indicators concerning the total number of open cases are an exception to the use of a reference period of a year, as they will be provided at a point in time on a specific date (using the same reference across participating States would be advantageous). It is easier to consider these indicators at a given point in time as the same case may be opened and closed over the reference period. The group acknowledged that this means that not all cases involving Convention applications will necessarily appear in the Report. The definition of a “case” is that it concerns the same debtor and person(s) for whom maintenance is sought and involves the same requesting and requested States. A case may contain several applications or requests. An open case simply means a case in which the Central Authority is still undertaking actions, including the monitoring of

¹⁰ [Prel. Doc. No 13 of June 2020](#) – 2007 Child Support Convention and Maintenance Protocol: Report of the Administrative Cooperation Working Group, meeting of 14 to 17 December 2020

¹¹ [Prel. Doc. No 16 of June 2021](#) – Draft statistical report under the 2007 Child Support Convention

payments, regardless of the stage of proceedings. This definition is the one adopted by iSupport.¹² It was proposed by the iSupport Working Group on functional requirements and based on definitions for existing national case management systems.¹³ It is acknowledged that not all States currently use this definition and therefore will only be in a position to provide data on applications or requests. Some States also noted that it will not be possible to separate cases involving Convention applications from their general international cases, which include cases under other international instruments or bilateral arrangements. For those States that are able to provide data on cases as defined above, this will contribute to a global overview of child support cases and give a rough indication of the number of people that may be concerned by child support programmes in a cross-border context. Finally, the aggregation between States will provide consolidated global figures to assess the impact of the Convention.

2. Total number of open incoming cases, with detail per State

18 This indicator adds the detail per State to the previous indicator. For instance, it will read: State A has 10 open incoming cases with State B and 20 open incoming cases with State C. In addition to the previous indicator, this indicator will allow States to see with which States in particular they have the most incoming cases to potentially adjust resources, including skills such as the working knowledge of a foreign language.

B. Statistics under Article 10 (including Art. 30)

1. New incoming applications by type

19 For this indicator, the definitions are provided by Articles 10 and 30. The following applications are open to creditors:

- Recognition or recognition and enforcement of a decision (Art. 10(1)(a)).
- Recognition or recognition and enforcement of a maintenance arrangement (Arts 30 and 10(1)(a)).
- Enforcement of a decision and maintenance arrangement made or recognised in the requested State (Arts 10(1)(b) and 30).
- Establishment of a decision in the requested State where there is no existing decision, including where necessary the establishment of parentage (Art. 10(1)(c)).
- Establishment of a decision in the requested State where recognition and enforcement of a decision is not possible, or is refused (Art. 10(1)(d)).
- Modification of a decision made in the requested State (Art. 10(1)(e)).
- Modification of a decision made in a State other than the requested State (Art. 10(1)(f)).

In addition, the following applications are open to debtors:

- Recognition of a decision, or an equivalent procedure leading to the suspension, or limiting the enforcement, of a previous decision in the requested State (Art. 10(2)(a)).

¹² The complete definition of a “case” can be found in the Deliverables Document, available at < www.hcch.net > on the iSupport page under the Child Support Section.

¹³ Representatives of Brazil, Canada, the Czech Republic, Estonia, Finland, France, Germany, Latvia, the Netherlands Norway, Portugal, the United States of America and the National Child Support Enforcement Association participated in the Working Group on functional requirements, which took place between January and April 2015.

- Recognition of a maintenance arrangement, or an equivalent procedure leading to the suspension, or limiting the enforcement, of a previous maintenance arrangement in the requested State (Arts 30 and 10(2)(a)).
- Modification of a decision made in the requested State (Art. 10(2)(b)).
- Modification of a decision made in a State other than the requested State (Art. 10(2)(c)).

20 Data will be collected using information contained in point 7 of the mandatory Transmittal Form and point 4 of the mandatory Acknowledgement Form. Alternatively, this information could be obtained from the relevant recommended Application Forms. With this indicator, States will see if particular types of applications are more used than others: for instance, whether applicants tend to apply for recognition and enforcement or establishment.

2. New incoming applications by type and by State

21 This indicator adds the detail per State to the previous indicator. For instance, it will read, State A received 10 new applications under Article 10(1)(a) from State B and received 20 new applications under Article 10(1)(a) from State C. In addition to the previous indicator, States will be able to assess whether certain types of applications are more used than others by applicants in given States.

3. Outcomes of applications under Article 10 (including Art. 30)

22 This indicator surveys the outcomes of applications under Article 10 (including Art. 30) and, using data from the latest Status of Application Report available¹⁴ as far as 12 months after the receipt of an application,¹⁵ records the following (footnotes include the location of this information in Status of Application Reports Forms):

- Number of applications that are pending at the Central Authority.¹⁶
- Number of applications where the decision was declared enforceable / registered for enforcement or the decision to modify a decision for maintenance is final¹⁷
- Number of applications that were refused by the Central Authority.¹⁸
- Number of applications for which a decision is expected by (the) competent authority(ies) (*i.e.*, about to considered, being considered, subject to an appeal).¹⁹
- Number of applications that were refused by (the) competent authority(ies).²⁰
- Number of applications that were sent to enforcement.²¹
- Number of applications that were subject to voluntary payments.²²

¹⁴ See, *infra* no. 31 for an explanation as to why to take into account only the latest Status Report.

¹⁵ See, para. 32 below for an explanation concerning a 12-month grace period.

¹⁶ Status of Application Report Box 4(h) (Recognition, Recognition and enforcement), 4(e) (Enforcement), 4(1)(h) or 4(2)(l) (Establishment), 4(g) (Modification) and / or 8 (all forms) is ticked.

¹⁷ Status of Application Report Box 4(a) (Recognition and enforcement), 4(b) (Enforcement), 4.1 (f) or (g) (Establishment) or ,4(f) (Modification) is ticked.

¹⁸ Status of Application Report - Any box under 11 (Recognition, Recognition and enforcement) or 9 (Enforcement, Establishment, Modification) is ticked.

¹⁹ Status of Application Report Box 4(b), (c) or (f) (Recognition, Recognition and enforcement), 4(a) or (c) (Enforcement), 4(1)(a), (b), (e) or 4(2)(b), (c), (d), (e), (h), (k) (Establishment), or box (4)(a), (b) or (e) (Modification) is ticked.

²⁰ Status of Application Report Box 4(d) and / or 9 (Recognition, Recognition and Enforcement), 4(d) (Enforcement, Modification), or 4(1)(d) or 4(2)(j) (Establishment) is ticked.

²¹ Status of Application Report Box 4(g) (Recognition, Recognition and Enforcement), or 4(a) (Enforcement) is ticked.

²² Status of Application Report Box 5(b) (Recognition, Recognition and Enforcement, Enforcement) is ticked.

- Number of applications that were impossible to enforce.²³

4. Average and median duration between receipt of applications (i.e., recognition and enforcement, enforcement, establishment and modification of a decision) and the objective of the application being reached

23 For this indicator, a harmonised completion of the forms is desirable, regardless of the Central Authority's role and structure. For the item concerning the average duration between receipt of an application (i.e., for recognition and enforcement, enforcement, establishment and modification of a decision) and the decision linked to that application being enforced, data for that indicator will need to be collected at an appropriate time after the end of the referenced year (e.g., as far as 12 months after receiving the last application at the end of the reference year²⁴) to allow for applications to be processed. Applications not processed 12 months after their receipt will appear in the statistical report as "pending". The global report prepared by the PB will indicate that Central Authorities may use different reference periods (civil, fiscal and financial year). This uses information contained in point 4 of the Acknowledgement Form for the date of receipt of applications, as well as the following information in the latest Status of Application Report available as far as 12 months after the receipt of an application:

- Application for Recognition and Enforcement of a Decision and a Maintenance Arrangement: information contained in point 4(g)²⁵ of the Status of Application Report under Articles 10(1)(a), 10(2)(a) and 30 will be used. Applications for Recognition only under Article 10(1)(a) and 10(2)(a) will have to be excluded.
- Application for Enforcement of a Decision and a Maintenance Arrangement: information contained in point 4(a)²⁶ of the Status of Application Report under Article 10(1)(b) will be used.
- Application for Establishment of a Decision: information contained in point 4(1)(f) and (g) of the Status of Application Report under Article 10(1)(c) and 10(1)(d) will be used.
- Application for Modification of a Decision: information contained in point 4(f) of the Status of Application Report under Articles 10(1)(e), 10(1)(f), 10(2)(b) and 10(2)(c) will be used.

24 This indicator will allow States to evaluate whether the objectives set in Article 12(6) are met.

C. Statistics under Article 7

25 This section is based on the forms included in Prel. Doc. No 9.²⁷

1. New incoming requests for specific measures

26 For this indicator, the definition is provided by Article 7. Data will be collected from the number of Request and Response Forms. This indicator will allow States to track trends over time in terms of increase or decrease of requests.

²³ Status of Application Report - Any box under 4(i) (Recognition, Recognition and enforcement) or 4(f) (Enforcement) is ticked. Central Authorities that are also competent and/ or enforcement authorities should tick point 4(i) or 4(f) when their evaluation of the debtor's financial circumstances proves that enforcement is impossible in the foreseeable future.

²⁴ See, para. 32 below for an explanation concerning a 12-month grace period.

²⁵ Central Authorities that are also competent and / or enforcement authorities should tick point 4(g) when they start the enforcement.

²⁶ Whether the decision is already recognised or whether it is subject to a decision allowing enforcement, point 4(a) should be ticked.

²⁷ "Request for Specific Measures & Response (Art. 7(1))", Prel. Doc. No 9 of December 2020 (final version), available on the HCCH website at < www.hcch.net > under the Child Support Section.

2. New incoming requests for specific measures, with detail per State

27 This indicator adds the detail per State to the previous indicator. For instance, it will read, State A received 10 new requests under Article 7 from State B and received 20 new requests under Article 7 from State C. This indicator will help to evaluate from which States most of their requests originate, in order to potentially adjust their actions and resources including skills such as the working knowledge of a foreign language.

3. New incoming requests for specific measures, with detail on types of requests

28 This indicator adds the detail on types of requests to the indicator in paragraph 26. These requests include:

- Help locate the debtor or the creditor (Art. 6(2)(b)).
- Help obtain relevant information concerning the income and, if necessary, other financial circumstances of the debtor or creditor, including the location of assets (Art. 6(2)(c)).
- Facilitate the obtaining of documentary or other evidence (Art. 6(2)(g)).
- Provide assistance in establishing parentage where necessary for the recovery of maintenance (Art. 6(2)(h)).
- Initiate or facilitate the institution of proceedings to obtain any necessary provisional measures that are territorial in nature and the purpose of which is to secure the outcome of a pending maintenance application (Art. 6(2)(i)).
- Facilitate service of documents (Art. 6(2)(j)).

29 Data will be collected using information contained in point 6 of the Request Form. With this indicator, States will be able to see whether certain types of requests are used more than others, in order to assess if the possibilities of Article 7 are used to their full extent.

4. Outcome of requests under Article 7

30 Where possible, data will be collected using the Response Form to indicate whether the requests for specific measures could be completed or not, using the latest Request for Specific Measures – Response form available as far as 12 months after the receipt of a request. If a box in point 4 of the Response Form has been ticked, the request will be counted as complete. If the box in point 6 of the Form has been ticked, the requests will be counted as not complete. If box 8 has been ticked, the request will be counted as not meeting Convention requirements. If no response is sent concerning a request for specific measures it will be counted as pending. With this indicator, States will be able to assess the proportion of requests that could not be completed or did not meet Convention requirements in order to adjust their actions.

IV. Outcome at the end of 2021 – Prel. Doc. No 18B

31 In October and November 2021, the subgroup²⁸ was tasked to focus on clearly defining data elements. An application or request that is pending at the Central Authority means that the Central Authority has received it but has not undertaken any action or that actions have been undertaken but that the application has not yet been forwarded to a competent authority. In this report, the definition of a pending application or request is distinct from that of an open case. An open case simply means a case in which the Central Authority is still undertaking actions, including the monitoring of payments, regardless of the stage of proceedings. The subgroup also welcomed the inclusion in the draft report of precise indications on where the information for certain indicators can be found in the mandatory Acknowledgement Form and relevant recommended Status of

²⁸ See, para. 6 above for the formation of the subgroup.

Application Report Forms. These developments are reflected in the latest versions of the draft statistical report included in Prel. Doc. No 18B.²⁹ That document also takes the viewpoint that only the latest status of an application or request (as evidenced by the recommended Status of Application Report Forms) should be used for those indicators that track the outcomes of requests and applications, as well as the average and median duration between receipt of applications and the aim of the application being reached. This is for the sake of clarity and minimising work for reporting Central Authorities.

- 32 In this respect, in addition to the Convention’s overarching objective of “procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair”, the provisions of Article 12 must be recalled.³⁰ Article 12 includes two mandatory deadlines: six weeks from the date of receipt of the application to acknowledge receipt, and three months after that acknowledgement, to inform the requesting Central Authority of the status of the application. After that, there is no obligation to transmit Status of Application Reports under the Convention.³¹ The two periods together add up to a total of four and half months. The ACWG suggested that a 12-month period be used after the receipt of each application to gather statistics concerning such applications. As a result, the time available to collect statistics could go as far as 12 months after the end of the reference period for applications received at the end of the reference period. It was thought that this was the best way forward to gather information about the status of applications beyond the timeframes provided under Article 12. It was suggested to use the same methodology to collect statistics for Requests for Specific Measures.
- 33 The table in Annex II lists the indicators that have been recommended by the ACWG to form the basis of a statistical report at the time of writing, as well as brief descriptions of the method and reason for collection. As explained, all indicators are collected from the point of view of the requested State. For the sake of clarity and simplicity of collection, it was also suggested by States during the June-August 2021 consultations on Prel. Doc. No 16 of June 2021 that it might be an option to include all these indicators in a single report, with the understanding that responding States would only provide currently available data and indicate limitations on any data that is provided.³² At its December 2021 meeting, the ACWG suggested to have two statistical reports available to States to collect their statistics under the 2007 Convention. As reflected in Prel. Doc. No 18B this will include a “Standard Report” (Annex I) and a “Optional / Voluntary Report” (Annex II). It was understood that States are invited to complete both reports on a best effort basis.
- 34 It is emphasised that these indicators reflect the consensus at a given point. Time and experience may show that other indicators may be needed, or that current indicators should be collected in a different fashion. Provisions should be made for the regular review by the ACWG of the content and structure of the statistical report.
- 35 The ACWG discussed several critical technical concerns with Statistical Indicators III, IV and V of Annex II “Optional / Voluntary Reports”. Some States expressed concerns that included 1) the practical problems of using Status Reports and Specific Measures Response forms for data

²⁹ A draft version of Prel. Doc. No 18B (Option 1) included two Annexes as previously set out in Prel. Doc. No 16 of June 2021, where another draft version of Prel. Doc. No 18B (Option 2) included only one Annex in which Contracting Parties would specify whether they had used iSupport or not to complete their statistical report.

³⁰ See, *supra* no. 7.

³¹ How Central Authorities will implement these obligations will vary. Some Central Authorities may want to send a Status Report at each step of the case (which may be very labour intensive) where others may want to send only one Status Report, at the end of the three-month period after the acknowledgement was sent, showing only the last step that was taken. This is one of the reasons why it was suggested to take into account, for statistical purposes, only the last Status Report.

³² *Ibid.*

collection, where these reports are rarely used or not used at all,³³ 2) that the 12-month timeframe per application for recording outcomes is not long enough to capture meaningful information regarding outcomes,³⁴ and 3) the technical approach to measuring duration of outcomes in order to capture meaningful data on duration across all applications. Due to these concerns, some States expressed the view that the outcomes and duration reports, as currently constructed, will have limitations affecting the accuracy and usefulness of the data.

V. Format of the statistical report

36 The statistical report will be provided to Contracting States as an Excel spreadsheet. All instructions will appear in the spreadsheets (in Prel. Doc No 18B some detailed instructions appear in the footnotes for ease of reading).

VI. Protocol for the release of statistics

37 A time frame each year needs to be agreed upon for data collection. It needs to be the year after the reference period, at a suitable time to accommodate the different time frames in use (calendar year, fiscal year, financial year). Once all the data have been collected from Contracting States, the PB will prepare a draft report, which will be made available to the Contracting States before publication.

³³ It was noted that case management systems may provide this data rather than these forms.

³⁴ It was noted that expanding this 12-month period would delay the publication of the Statistical Report.

ANNEXES

Annex I

Possible statistical report under the 2007 Child Support Convention (excerpt from the *Aide-mémoire* of the Administrative Cooperation Group, December 2020)

- 10 Article 54(2) of the 2007 Child Support Convention provides that Contracting States shall cooperate with the PB in the gathering of information, including statistics and case law, concerning the practical operation of the Convention. Statistics are a valuable tool to measure and, where possible, improve “procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair” as set out in the Preamble of the Convention. In addition to informing discussions at Special Commission meetings, informing the development and assessment of tools in support of the Convention and assisting with the promotion of the Convention, the gathering of statistics under the 2007 Child Support Convention supports the evaluation of the overall economic and social impact of the HCCH.
- 11 The Group agreed that statistics could be collected annually on either a calendar or fiscal / financial year based on domestic collection methods.
- 12 The iSupport coordinator presented the results of questionnaires on the use of statistical data.³⁵ The Group was invited to consider and respond to the proposals included in these documents.
- 13 A number of States requested further clarification on definitions under the 2007 Child Support Convention, including cases and applications. A participant suggested the formation of a technical advisory group to focus on clearly defining data elements; other participants expressed support.
- 14 The Group discussed the use of tracking both outgoing and incoming applications. The majority of States agreed that it would be most useful to track both.
- 15 The Group agreed that any future data collection should be considered in more than one phase. Data that is more difficult to collect could be considered at a later time.
- 16 There was support to record the following matters, wherever possible, in a future statistical report which would include definitions for the data to be collected:
- Under general statistics: based on those definitions, total number of active cases; and total number of active cases (detail per State).
 - Under Article 10: new outgoing and incoming applications by type; new outgoing and incoming applications by type and by State; and average duration in days between receipt of application and establishment of a decision, modification, and decision sent to enforcement authority.
 - Under Article 7: new outgoing and incoming requests for specific measures; new outgoing and incoming requests for specific measures (detail per State); new outgoing and incoming requests for specific measures (detail on types of requests); and detail on outcomes (including whether they were or were not completed).
- 17 Contracting States are open to work towards developing systems and obtaining appropriate authority, that might allow these statistics to be provided in the future. Subject to the result of discussions at the Special Commission on statistics, iSupport will be programmed accordingly.³⁶

³⁵ See Prel. Doc. No 6 of April 2020 and Prel. Doc. No 10 of July 2020.

³⁶ This was recommended at a time when the Special Commission had been tentatively rescheduled to take place in June 2021 more than a year before the end of the current EU iSupport Action Grant 2020-2022.

- 18 The following were also discussed and are not considered a priority at this time:
- Total number of children involved across all cases.
 - Detail on outcomes as provided by status reports from the perspective of the requested State. The co-Chair (Mr Ashmore) expressed concern that status reports are used inconsistently. A number of States noted they would have difficulty in making this information available now or in the future.
 - Detail of enforcement measures under Article 34.
 - Under Article 6(2)(f): total owed including arrears (as requesting State); total transferred abroad (as requested State); total received from abroad (as requesting State); and detail on total owed, transferred and received, including detail by State.
- 19 An effort will be made to gain feedback from Contracting Parties that were not present.

Annex II Indicators for a statistical report under the HCCH 2007 Child Support Convention

Category	Report	Source of the data	Purpose of report
General indicators	Total number of open cases under the 2007 Convention	Count of open cases by the Central Authority as of the reporting date from their own case management system, State records or iSupport	Assess the impact of the Convention with consolidated global figures, measure increase or decrease in cases over time
	Total number of open cases (with detail per State) under the 2007 Convention	Count of open cases by the Central Authority as of the reporting date from their own case management system, State records or iSupport	Provide breakdown of caseload by initiating State to help determine significant foreign partners, help Central Authorities adjust their resources (for instance foreign languages)
Article 10 (including Article 30)	New incoming applications by type	Count of applications based on information contained in Transmittal Form, Acknowledgement Form, or in the recommended Application Forms received over the reference period, or from the State's own case management system, State records or iSupport	Assess whether certain types of applications are more used than others
	New incoming applications by type and by State	Count of applications based on information contained in Transmittal Forms, Acknowledgement Forms, or in the recommended Application Forms received over the reference period, or from the State's own case management system, State records or iSupport	Assess whether certain types of applications are more used than others by applicants in given States
	Outcomes of applications	Among the application received over the reference period, information contained in the latest Status of Application Report Form available, or from the State's own case management system, State records or iSupport	Assess what steps are taken on different types of applications 12 months after receipt of a new application
	Average and median duration between receipt of applications and the aim of the application being reached	Duration between receipt of application and outcome (last step taken) calculated from information contained in the Acknowledgement Form and in the Status of Application Report Form, or from the State's own case management system, State records or iSupport	Assess the elapsed time for a new application to reach a designated process step (sent to enforcement agency) on applications where this occurs within a specific timeframe from the receipt of a new application

Category	Report	Source of the data	Purpose of report
Article 7	New incoming requests for specific measures	Count of requests based on information contained in Request for Specific Measure received and Response Forms, or from the State's own case management system, State records or iSupport	Assess the impact of the Convention, track trends over time in terms of increase or decrease of requests
	New incoming requests for specific measures, with detail per State	Information contained in Request for Specific Measure received and Response Forms, or from the State's own case management system, State records or iSupport	Assess the impact of the Convention, determine which States are the most common foreign partners for a given State, help Central Authorities adjust their resources (for instance foreign languages)
	New incoming requests for specific measures under Article 7, with detail on types of requests	Information contained in Request for Specific Measure received and Response Forms, or from the State's own case management system, State records or iSupport	Assess whether certain types of requests are used more than others, could assist in allocating resources (for example to provide locate services)
	Outcomes of requests	, Information about the last step taken by the Central or competent authority contained in the Status of Application Report, or from the State's own case management system, State records or iSupport	Assess what steps are taken on requests 12 months after receipt of a new application

Table 1 Indicators for a statistical report under the HCCH 2007 Child Support Convention, end of 2021