

Title	Proposed Approach for the Collection of Statistical Data
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Author	PB
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Mandate(s)	C&D No 49 of CGAP 2023
Objective	Proposal for the collection of statistical data in relation to selected HCCH Conventions
Action to be Taken	For Decision <input checked="" type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input type="checkbox"/>
Annexes	Annex I: proposed data to be requested
Related Documents	Prel. Doc. No 12 of February 2023 – Proposed Approach for the Collection of Statistical Data: Update

Table of Contents

I.	Introduction	1
II.	Reflections on the Proposed Approach	1
III.	Proposed Approach	2
IV.	Proposal for CGAP	3
	Annex I	5

Proposed Approach for the Collection of Statistical Data

I. Introduction

1 At the March 2023 meeting of the Council on General Affairs and Policy (CGAP), the Permanent Bureau (PB) presented a Preliminary Document (Prel. Doc.) providing an update on a proposal for the collection of statistical data in relation to HCCH Conventions.¹

2 Following the discussion during its 2023 meeting, CGAP

“invited the PB to undertake further work on options for the collection of statistics relating to the HCCH Core Conventions, taking into account the needs of, and the impact on, Members and Contracting Parties. CGAP invited the PB to consult Members and Contracting Parties by circulating a questionnaire to identify which Conventions the PB should undertake work on, as well as the feasibility of data collection and statistical analysis on these identified Conventions. CGAP invited the PB to explore possible partnerships in the collection and analysis of statistical data on these identified Conventions with subject-relevant experts.”²

3 Owing to resource constraints and competing priorities, the PB has not been able to do much further work on exploring options for the collection of statistics relating to the HCCH Core Conventions; in particular, the PB has not been in a position to consult Members through a questionnaire on how best to proceed in this matter. However, in light of the discussion at previous CGAP meetings on this topic and the various concerns raised by Members, the PB presents the following modest proposal to CGAP 2024: to limit the request for yearly statistical data to the mere number of incoming cases under HCCH Conventions that include a Central Authority (CA) mechanism (or a Competent Authority mechanism in the case of the Apostille Convention), and each year to report briefly to CGAP on the data received (see para. 12 for more details).³

4 In the PB’s view, this approach offers a reasonable balance between being able to collect relevant data on a regular basis on the use of the selected HCCH Conventions, and the need to minimise the burden on both Contracting Parties and the PB. Of course, the PB remains open to any suggestions that Members may have on the collection, on a yearly basis, of more comprehensive data on the selected Conventions and / or whether the collection of statistical data on a regular basis should be extended to other Conventions.

II. Reflections on the Proposed Approach

5 At the outset, the PB recalls that ahead of a Special Commission (SC) meeting on the practical operation of one or more HCCH Conventions, more detailed statistical data is being collected through a questionnaire.⁴ The collected data contributes to the assessment of the effective operation of a Convention and informs the discussion during the SC meeting.⁵ Subject to further

1 [Prel. Doc. No 12 of February 2023](#) for CGAP 2023: “Proposed Approach for the Collection of Statistical Data: Update”. This document was in response to CGAP’s request to the PB to undertake further work on options for the collection of statistics made during its meeting in March 2022, see [C&D No 38 of CGAP 2022](#) (see also [Prel. Doc. No 16 for CGAP 2022](#)).

2 [See C&D No 49 of CGAP 2023](#).

3 These are: the 1965 Service; 1970 Evidence; 1980 Child Abduction; 1980 Access to Justice; 1993 Adoption; 1996 Child Protection; 2000 Protection of Adults; and the 2007 Child Support Conventions. The 1993 Adoption and 2007 Child Support Conventions have been excluded from the proposal for the reasons set out below (see para. 7).

4 In some instances, the collection of statistical data is particularly detailed and comprehensive, in particular when the study is conducted by external experts; see, for example, Prel. Doc. No 19A of September 2023 – “Global Report - Statistical study of applications made in 2021 under the 1980 Child Abduction Convention - *Currently available in English only*”, authored by Professor Nigel Lowe and Victoria Stephens, in consultation with the PB, available at <hcch.net>, then “Child Abduction Section”, then “Special Commission meetings”.

5 See, for example, [No. 4 of the C&R of the 2023 SC](#) on the 1980 Child Abduction & 1996 Child Protection Conventions.

discussions, at this stage no change is suggested to this collection of more detailed statistical data prior to a SC meeting.

- 6 The proposed yearly collection of basic statistical data would be much more limited and only relate to the number of requests received by a Central or Competent Authority (the precise question may differ slightly depending on the Convention in question).⁶ While basic, the data collected would nonetheless assist with the effective promotion of these Convention (by stressing their practical importance); in addition, since the data would be requested every year, it would also allow for a comparative analysis of the evolving use of the Convention over a longer period, possibly allowing to identify certain trends, which in turn could inform a decision to collect more detailed statistical data ahead of the next relevant SC meeting. With a view to enabling an effective and appropriate analysis, a number of cycles of data collection (with a good response rate) would be required (and of course any significant changes in the number of Contracting Parties over a longer period would have to be taken into account).
- 7 This modest proposal is designed to ensure that no significant new tasks would be imposed on Contracting Parties and their respective CAs or Competent Authorities. Most of these authorities already keep statistical data; those that do not may be encouraged to start doing so under this proposal, contributing to the collection of more comprehensive, robust data. Also, the data would be collected online (probably via the LimeSurvey web app). Furthermore, limiting the collection of data to Conventions with a CA or Competent Authority mechanism not only limits the number of Conventions concerned, but also offers the advantage that there are obvious contact points for the PB to liaise with if needed. The PB acknowledges that for States with a federal structure the proposed approach may be somewhat more resource intensive than for States with a single CA. A similar observation applies in relation to the Apostille Convention for Contracting Parties that have several (or indeed numerous) Competent Authorities. The PB nonetheless hopes that these challenges are not unsurmountable and notes that, even if the data is not exhaustive, in particular in relation to the millions of Apostilles issued every year, the collected data is still likely to provide useful information on the practical relevance of the Convention.
- 8 An additional advantage of only collecting basic statistical data on the number of incoming requests would be that this approach would alleviate concerns regarding the possible sensitive nature of some of the data involved.
- 9 The suggested approach has already proven to be successful in relation to the Adoption Convention, for which the PB collects general statistical data on an annual basis. Incidentally, for this reason, the Adoption Convention has been omitted from the proposal. Similarly, for the Child Support Convention there are plans to start collecting statistical data on an annual basis, and this Convention has therefore also been left out of the proposal to avoid duplication of work.
- 10 While it would naturally be interesting to gather statistical data on all HCCH Core Conventions, the inclusion of Conventions without a CA (or Competent Authority) mechanism would make the logistics of collecting data significantly more difficult and therefore more resource intensive. In these cases, the collection of data may not only be difficult, but is likely also to lead to incomplete, and possibly non-conclusive data. In light of these concerns, the PB has opted to leave the Conventions without a Central Authority mechanism out of its proposal at this time.

III. Proposed Approach

- 11 It is proposed that in January of each year – probably at the same time as the mailing of the first series of Circulars by the PB – a Focused Circular would be distributed for each selected Convention with a CA or Competent Authority mechanism to all Contracting Parties to the Convention (or, as

⁶ For an overview of the proposed questions, see Annex I.

may be the case for the EU, States to which the Convention applies), with one single question on the number of incoming requests under that Convention (see Annex I). If States collect statistics over a different time period (e.g., a financial year rather than a calendar year), and they cannot easily adjust these figures, Contracting Parties will be requested to indicate this difference in approaches.

- 12 The Contracting Parties to the selected Conventions would be requested to provide their response (following the link provided in the Circular) before 10 February of each year. This would allow the PB to compile the results for each selected Convention and report on the figures received at the CGAP meeting in March each year. The PB suggests that this data will be collected for the first time in January 2025 (on data concerning 2024).

IV. Proposal for CGAP

- 13 In light of the above, the PB proposes the following C&D for CGAP's consideration:

CGAP mandated the PB to collect basic statistical data for selected HCCH Conventions with a Central Authority (or Competent Authority) mechanism on an annual basis and to report on this data at every subsequent CGAP.

ANNEXES

Annex I

Proposed data to be requested for each selected Convention with a Central Authority or Competent Authority Mechanism

HCCH Conventions	Data to be requested
1961 Apostille	How many Apostilles were issued by your Competent Authority/Authorities in [year]?
1965 Service	How many requests for service were received by the Central Authority in [year]?
1970 Evidence	How many Letters of Request were received by the Central Authority in [year]?
1980 Child Abduction	How many incoming applications were received by the Central Authority in [year]?
1980 Access to Justice	How many applications for legal aid were received by the Central Authority in [year]?
1996 Child Protection	How many cases were handled by the Central Authority in [year]?
2000 Protection of Adults	How many cases were handled by the Central Authority in [year]?