

Council on General Affairs and Policy of the Conference – March 2017

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Title	Report on the activities of the Regional Offices in Latin America and the Asia Pacific (1 January – 31 December 2016)	
Author	Permanent Bureau	
Agenda item	Item VI.2.a.	
Mandate(s)	C&R Nos 6, 7 of the 2016 Council on General Affairs and Policy	
Objective	To approve extending the geographic reach of the Permanent Bureau's Latin American Regional Office to include the Caribbean, and associated name change, and to report on the main achievements of both Regional Offices of the Permanent Bureau for the year 2016.	
Action to be taken	For Approval <input checked="" type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes	n.a.	
Related documents	n.a.	

A. Introduction

1. This document chronicles the major activities and achievements of both the Permanent Bureau's Latin American and Asia Pacific Regional Offices (Report). The Regional Offices' 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. Both Regional Offices organised and participated in various conferences, seminars and workshops. They also engaged through outreach activities and the formation of comprehensive stakeholder networks in their regions. Their activities reached government ministers, members of judiciaries, senior government officials, legal practitioners, academics, other international organizations, and many other professionals in their respective regions. Many of the stakeholders have become important supporters of the work of the HCCH, promoting the utility of Hague Conventions, including the Hague Principles, and greatly assisting with encouraging governments in the regions to participate more actively in the HCCH's work.

3. The Regional Offices' major activities and achievements are important to grow the membership of the Organisation, to attract States to become Parties to Hague Conventions, and to engage them in activities that assess and improve the operation of Hague Conventions already in force. Thus, the Regional Offices are integral to the HCCH's efforts to become a truly global organisation.

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 Preliminary Document No. 13 of February 2017 - Voluntary Contributions Report (1 January – 31 December 2016).

Report: the Latin American Regional Office
(Buenos Aires, Argentina)

A. Introduction (background)

6. In 2005, the Permanent Bureau 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 Latin American Regional Office of the Permanent Bureau (Regional Office) could eventually be established.

7. A decade later, in late 2015, the Regional Office 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 rent payments. The new offices allowed the Regional Office 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

8. To capitalise on certain cost- and other efficiencies, the Permanent Bureau has, in recent years, increasingly worked with States in the Caribbean region through its Latin American Regional Office. Clear evidence of this are the HCCH's activities in the Caribbean, including the successful regional meetings in 2012 (Bermuda), 2015 (Trinidad and Tobago), and 2016 (Guyana). These meetings have laid the groundwork for the stronger integration of the Region into the work of the HCCH. The Permanent Bureau thus suggests to reflect this expansion better in the remit of the Regional Office, by officially extending its geographic reach to include the Caribbean.

9. This measure would be of significant benefit of the operation of the Regional Office, the Permanent Bureau and the Organisation as a whole. In particular, it would bring officially an additional 15 States into the remit of the Regional Office. It would also more accurately reflect its actual activities in the region, and signal a readiness for Caribbean actors to participate in its work. Moreover, the measure would also align the Regional Office's remit with the regional division that is followed by several UN agencies and many other International Organisations.

10. The Council may note that the extension and the associated name change would have no immediate financial implications, but that the draft Budget for Financial Year 2017-2018 includes a small buffer for a possible increase in the working hours of the Legal Assistant at the Regional Office.

11. The Permanent Bureau asks Council on General Affairs and Policy to approve the extension of the Regional Office's geographic reach to include the Caribbean.

12. If the Council approves this extension, then the Permanent Bureau also suggests to reflect this change in the name of its Regional Office. The new name would then be the Permanent Bureau's "Regional Office for Latin America and the Caribbean (ROLAC)".

C. Organisation

13. The Regional Office is located in Buenos Aires. It is headed by Mr Ignacio Goicoechea, the Representative of the Hague Conference for Latin America (Representative). Ms Florencia Castro, part-time Legal Assistant, supports the Representative performing legal and administrative tasks. The Argentinian Government continues funding the Regional Office's building and operational costs, and in 2016, the Government of the United States of America generously funded the travel expenses for the Regional Office staff. In 2016, the Regional Office welcomed five legal interns (from Argentina, Brazil and Costa Rica), six translation interns (from Argentina), two International Relations interns (from Argentina) and one visiting professor from Mexico.

D. Achievements: project and activities 2016

14. In 2016, the Regional Office continued to respond to requests relating to the interpretation 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 the Hague Conventions and Instruments, while allowing the HCCH to identify efficiently existing practices, and possible concerns, regarding the operation of the Conventions and Instruments in the region.

15. From 13 to 16 April 2016, the Representative participated in the XVIII Ibero-American Judicial Summit held in Paraguay. During this meeting, the new Annex to the "Ibero-American Protocol on Judicial Co-operation" focusing on Child Abduction – developed by the working group to which the HCCH has permanent representation – was adopted. This new tool provides specific guidelines for judges with the purpose of improving judicial decisions in international child abduction cases.

16. The HCCH's third regional seminar in the Caribbean, convened under the title: "International Family Law, Legal Co-operation and Commerce: Promoting Human Rights and Cross Border Trade in the Caribbean through the Hague Conventions", took place in Georgetown, Guyana from 13 to 15 July 2016. The meeting was a collaboration between the HCCH, the Government of Guyana and the UNICEF Office in Guyana. The Regional Office played a key role in the organisation of this successful meeting, attended by 118 participants from 25 States and overseas territories, including Attorneys General and Ministers of Justice, Chief Justices, Judges, Representatives from Ministries of Foreign Affairs, Child Protection Authorities, the Hague Conference on Private International Law (HCCH), the Caribbean Court of Justice, the Caribbean Community (CARICOM) Secretariat, NGOs, academics and practitioners. One of the positive outcomes of the meeting was new designations to the International Hague Network of Judges that were announced by Barbados, Bermuda, the Cooperative Republic of Guyana, Jamaica, Suriname and Turks and Caicos, and soon after the meeting there were also designations for Aruba, Curaçao, and Sint Maarten.

17. The co-operation of the Regional Office with Ibero-American institutions continues to be productive. The Representative attended and presented at the V IberRed Child Abduction meeting of contact points, which took place from 25 to 27 July, in Antigua, Guatemala, and at the Second meeting on Legal Co-operation and Recovery of Maintenance, with took place from 28 to 29 July, in Antigua, Guatemala. There were 15 Ibero-American States represented at both meetings. On the child abduction front, the main focus of discussions was the use of direct judicial communications, and in relation to child support matters, time was invested in starting the draft of a guide to help operators with the interplay between the 1956 New York Convention, the 1989 Inter-American Convention and the 2007 Hague Convention.

18. The co-operation with APEC (Asia Pacific Economic Cooperation forum) was also strengthened. The Representative was invited to participate and present in three different events held under the auspices of APEC Economic Committee meetings, in Lima, Peru in August 2016. The first meeting was a Workshop on Supply Chain Finance (organized by the United States of America), where the Representative presented the 2005 Choice of Court Convention, which was seen as a desirable tool to incorporate by Member Economies as a means to facilitate the enforcement of certain contracts across borders. The second event was a meeting of the Economic Committee / Friends of the Chair (FotC) on Strengthening Economic and Legal Infrastructure (SELI), to report on current work carried out by the HCCH (mainly the joint project with UNIDROIT and UNCITRAL on the explanatory text on commercial contracts). Finally he participated in a meeting of the APEC Economic Committee, and presented the HCCH international law-making and implementation mechanisms, at the policy discussion entitled "Improving Participation and Transparency in Policy-Making and Implementation".

19. From 27 to 29 October the Representative attended and presented at the 4th Biennial Conference of the Caribbean Academy for Law and Court Administration (CALCA -academic branch of the Caribbean Court of Justice). There were about 200 participants, including some Attorney Generals and Chief Justices of the Caribbean that had attended the recent HCCH Guyana meeting. It was an excellent follow up action to the recent Guyana Conference and

paved the way to a possible co-operation agreement between the HCCH and the Caribbean Court of Justice, which is currently under consideration.

20. The Regional Office contributed to the organisation of two international events held in Buenos Aires, Argentina on November 2016: i) On 9 November 2016, the Regional Office co-organised an event with the Private International Law in Integrated Markets (PILIM), which is a research project funded by the British Academy and led by the University of Edinburgh, the University of Buenos Aires and the University of Belgrano) that focuses on international judicial co-operation. The event was entitled "The Judges' prominence in framing international cases and the development of Private International Law". There were around 50 participants, including judges, academics and practitioners from various Latam countries; and ii) the 10th Annual Meeting of the American Association on Private International Law (ASADIP), the programme of which focused on international contracts. Party autonomy and the Hague Principles were addressed by renowned experts. The Regional Office offered a welcome cocktail for participants, which allowed for many academics in the region and beyond to visit its new premises in Buenos Aires.

21. Strengthening the operation of the 1980 Child Abduction Convention continues to be an important part of the Regional Office's remit. Its officers responded to regular consultations from Central Authorities and Hague Network Judges, participated in a series of international child abduction trainings for judges and other actors in Colombia, Argentina and Chile, and provided post-Convention assistance to Argentina in developing a Protocol on procedural guidelines for judges. In addition, the Regional Office continues to contribute to the incorporation of Latin-American cases in INCADAT, mainly with the identification of cases and the co-ordination with editors and translators.

22. Finally, the language barrier is a considerable obstacle for the engagement of Latin American States / actors in the work of the HCCH. In this regard, interns supported the translation of 77 documents into Spanish or English (including questionnaires, reports, case summaries, outlines, agendas, website content, summaries, and Preliminary Documents for meetings).

E. Challenges

23. The Regional Office seeks to increase the engagement of Caribbean States and institutions in the work of the HCCH, building upon the momentum gained with past, successful regional meetings, and the fact that there have been several new designations to the International Hague Network of Judges. New States are expected to join Hague Conventions during the course of the year and it is hoped that a closer co-operation with CARICOM and the Caribbean Court of Justice, will significantly contribute to their engagement. Also, should the Council approve the change of name for the Regional Office, this, too, could have a positive impact in that regard.

24. Ensuring the proper operation of the Child Abduction Convention remains an ongoing concern. Addressing the recurring problem of delays under the Convention remains a demanding task. It is hoped that the regional meeting, scheduled to take place at the end of March 2017 in Panama, will contribute to a solution, and prepare the region for the next Special Commission on the Child Abduction and Child Protection Conventions to take place in October 2017.

25. Finally, there are several Hague Conventions and instruments that have already raised interest in the region,² and it is hoped that the Regional Office will contribute to their respective implementation in States in the Region.

² In 2016, Costa Rica acceded to the Service, Evidence and Access to Justice Conventions, Bolivia acceded to the Child Abduction Convention, and Brazil approved the Service and Child Support Conventions, while other States in the Region are analysing or considering the analysis of the following Conventions: Apostille, Service, Evidence, Access to Justice, Intercountry Adoption, Child Protection, Choice of Court, Child Support, as well as the Hague Principles.

Report: The Asia Pacific Regional Office
(Hong Kong SAR, People's Republic of China)

A. Introduction (background)

27. The Council on General Affairs and Policy of the Hague Conference on Private International Law endorsed the establishment of an Asia Pacific Regional Office in the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong SAR) during its meeting from 17 to 20 April 2012. Thereafter, preparatory work for the establishment of the Regional Office progressed from May to November 2012. The Asia Pacific Regional Office officially opened on 13 December 2012.

28. At the 2016 Meeting of the Council on General Affairs and Policies, Members assessed the operation of the Asia Pacific Regional Office. The Council's findings were positive, and it endorsed the continued operation of the Office.

B. Aligning the name of the Regional Offices

29. If the Council approves the extension of the geographical reach of the Permanent Bureau's Regional Office in Latin America, and the associated change of the office's name to "Regional Office for Latin America and the Caribbean" or ROLAC, then the Permanent Bureau suggests to change also the name of the Regional Office in the Asia Pacific to "Regional Office for Asia and the Pacific" or ROAP.

30. This change would align and standardise the nomenclature for the Permanent Bureau's regional offices.

C. Organisation

31. On 1 April 2013 Professor Anselmo Reyes SC succeeded Mr. Justice Michael Hartmann NPJ as Representative of the Asia Pacific Regional Office. Ms Alix Ng holds the position of Office Manager at the Regional Office. Mr. Zhu Yong, who has been seconded from the Ministry of Foreign Affairs of the People's Republic of China, is the Legal Officer at the Regional Office. From time to time, the Regional Office benefits from the engagement of long and short-term interns from local and overseas universities.

D. Achievements: project and activities 2016

32. The Asia Pacific Regional Office has engaged in a number of key activities and events in 2016. Among them, the following were most important:

HCCH Asia Pacific Week 2016

33. From 27 to 30 June 2016 the Asia Pacific Regional Office of the Permanent Bureau (PB) in co-operation with Japan, held the HCCH Asia Pacific Week 2016 in Tokyo, Japan. The week comprised three major events, including: (1) Asia Pacific Symposium on the 1980 Hague Child Abduction Convention; (2) a conference celebrating a Decade of the 2006 Hague Securities Convention, and (3) a seminar on the Hague Conference and Japan.

Asia Pacific Symposium on the 1980 Hague Child Abduction Convention

34. From 29 to 30 June 2016 the PB, the Ministry of Foreign Affairs of Japan and Waseda University, jointly organised a two-day Symposium on the 1980 Child Abduction Convention at Waseda University, Tokyo.

35. In attendance were about 210 participants comprising (among others) sitting judges, government officials, representatives of the Permanent Bureau, legal practitioners, academic

and other experts from Asia and the Pacific, as well as other countries (including Australia, Cambodia, Canada, China, Fiji, India, Indonesia, Japan, Laos, Malaysia, Myanmar, the Philippines, the Republic of Korea, the Russian Federation, Singapore, Sri Lanka, Thailand, the United Kingdom, the United States of America and Viet Nam).

36. The Symposium aimed to strengthen the participants' understanding of the implementation of the Convention through practical exchanges among practitioners, to share and exchange information on Convention-related practices and experiences among Convention partners and other regional partners and to raise awareness of the 1980 Child Abduction Convention.

37. The participants recognised the great value and the stability that the Convention provides to families across borders, by offering an effective framework to facilitate the swift return of a wrongfully removed child, based on the principle of the best interests of the child. It was stressed that this purely procedural Convention concerns the return of the child to the State of habitual residence and that the Convention is thus compatible with all legal systems. The Symposium involved small group sessions discussing hypothetical examples based on real-life situations, which allowed for active and dynamic interchange and sharing among all participants and enabled experienced Convention experts to benefit from the discussions. The discussions highlighted many critical points for the proper implementation and operation of the Convention. The participants also recognised that mechanisms for achieving the duties imposed by the Convention on Central Authorities might differ from jurisdiction to jurisdiction, but all Central Authorities should facilitate interim access for the left-behind parent, pending ongoing court proceedings, and should co-operate with each other in the performance of their duties. The Symposium stressed the importance of the International Hague Network of Judges in the efficient operation of the Convention and encouraged Contracting and Non-contracting States to designate a Network Judge at the earliest opportunity.

Conference Celebrating a Decade of the 2006 Securities Convention

38. The Conference on Celebrating a Decade of the 2006 Securities Convention took place on Monday 29 June 2016 at Chuo Law School, Japan. It was co-organised by the PB and Chuo University of Japan. The international conference provided an opportunity to take stock of the *Convention on the Law Applicable to Certain Rights in respect of Securities held with an Intermediary* on the 10th anniversary of its adoption. It brought together academics, lawyers and stakeholders in the field of securities to debate the pros and cons of accession to the Convention from international and Japanese perspectives. The participants examined problems in the implementation of the Convention and how those difficulties might be overcome.

Seminar on the HCCH and Japan

39. The Seminar on the HCCH and Japan was held on Tuesday 28 June 2016 at Tokyo University's Law School, Japan, to celebrate over a century of ties between Japan and the HCCH. The seminar was co-organised by the PB and the University of Tokyo. The Seminar, first, provided an update on recent activities of the HCCH, including an update on initiatives being carried out through the Asia Pacific Regional Office. Equally important, the seminar was an occasion to reflect on the continuing long relationship and close co-operation between Japan and the HCCH. Japan became a member of the HCCH in 1957 and is currently Party to seven Conventions. Since the establishment of the Asia Pacific Regional Office in 2012, Japan has been involved in its work by sending many university students to serve as interns in Hong Kong.

Symposium on Cross-Border Disputes Involving Children

40. On 26 and 27 September 2016 the Symposium on Cross-Border Disputes Involving Children was jointly organised by the Family Justice Court of Singapore and the PB at the Supreme Court Auditorium, Singapore.

41. More than 120 participants, including Hague Network Judges, delegates from ASEAN countries, representatives from Central Authorities from around the world, representatives from the Permanent Bureau, local officers and other participants attended the Symposium. It was the first time there was a gathering of top jurists and policy makers from the Asia Pacific region

and Hague Convention countries to discuss common concerns on the theme of cross-border disputes involving Children.

42. The Symposium aimed to raise awareness amongst participants on the complexities of cross-border disputes involving children and how the Hague Conventions could be useful in facilitating the resolution of such disputes. On the basis of case studies, participants exchanged views on the issues, legal frameworks, practices and challenges in their jurisdictions in protecting children in cross-border family disputes with or without the 1980 Child Abduction Convention and 1996 Child Protection Convention. Participants discussed frameworks used for judicial communications and how judges can formally and informally collaborate internationally to identify and address the needs of the child who is the subject of the abduction or access dispute, and the domestic and international frameworks in place that can facilitate this collaboration. The role of the 1980 Child Abduction Convention and 1996 Child Protection Convention in international abduction, custody, access, and relocation cases, and the relevance of these Conventions in today's world, were also reviewed by the Symposium. The participants covered the following topics: welfare of the child under the 1980 Child Abduction Convention and the grave risk exception, how to address the needs of the child who is the subject of a return application and where there is either an allegation of domestic violence or child abuse; the welfare of the child under 1980 Child Abduction Convention, the objection of the child to return, and how to address the needs of the child who is the subject of a return application; the welfare of the child under the 1980 and 1996 Conventions and access rights, how to address the needs of the child who is the subject of 1980 and 1996 applications, and where this is a request for access or contact by one party; and the welfare of the child under the 1996 Convention, and how to address the needs of the child when making emergency decisions or long-term decisions in the context of 1996 Convention cases. Finally, mediation in the context of cross-border family disputes was also addressed.

43. In addition, the Permanent Bureau, through its Asia Pacific Regional Office, supported the International Family Law Conference of 2016, which was hosted by the Singapore Family Justice Court from 29 to 30 September 2016 at the Singapore Supreme Court. Both local participants and members of the judiciary, law practitioners and academics from other jurisdictions attended the Conference. The Conference brought together eminent speakers from the legal, psychological and social science sectors to examine how family justice systems around the world are meeting current challenges while developing multi-disciplinary pathways and facilitative ecosystems. The Conference was further designed to facilitate an international exchange of insights and a platform for learning and sharing best practices in area of family justice.

E. Future Work

44. In 2017, the Regional Office will continue to engage in events and activities on promoting various Hague Conventions, and look into ways of strengthening the network of National Organs as well as Central and Competent Authorities in the region and ways of providing technical assistance to Asia Pacific countries as appropriate. The Regional Office will especially focus on the following events:

30th Anniversary of China's membership of the HCCH

45. On 3 July 2017, China will have been a member of the HCCH for 30 years. The Permanent Bureau and the Chinese Government plan to mark the anniversary with an event in Beijing.

20th Anniversary of South Korea's membership of the HCCH

46. On 20 August 2017, South Korea will have been a member of the HCCH for 20 years. The Permanent Bureau will also co-operate with the South Korea Government to hold an event to mark the 20th anniversary of South Korea's membership of the HCCH.

F. Challenges

47. The Asia Pacific Regional Office of the PB actively works towards increasing the number of Asian States that are Members of the Hague Conference. Presently, discussions in that regard are underway with several jurisdictions, and especially within ASEAN. It is hoped that

these discussions will yield concrete results as early as the later part of 2017. It is also hoped that a number of Asian countries will accede to some of the key Conventions, including the 1961 Apostille, 1980 Child Abduction, 1996 Child Protection and the 2005 Choice of Court Conventions and the 2007 Child Support Convention.