

<b>Title</b>	<b>Working Group on Parentage / Surrogacy: Report of the second meeting (from 8 to 12 April 2024)</b>
<b>Document</b>	<b>Prel. Doc. No 1 of April 2024</b>
<b>Author</b>	Working Group on Parentage / Surrogacy Chair of the Working Group on Parentage / Surrogacy
<b>Agenda Item</b>	Item TBD
<b>Mandate(s)</b>	C&D Nos 2 and 3 of CGAP 2024
<b>Objective</b>	To report on the second meeting of the Working Group and to present the recommendations of the Working Group following its second meeting
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
<b>Annexes</b>	Annex I: <i>Aide-mémoire</i> of the second meeting of the Working Group on Parentage / Surrogacy prepared by the Chair Annex II: List of participants of the second meeting of the Working Group on Parentage / Surrogacy
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>- Prel. Docs Nos 3A of February 2015, 3B and 3C of March 2014 and C&amp;R No 5 of CGAP 2015</li> <li>- Prel. Doc. No 3 of February 2016 and C&amp;R No 15 of CGAP 2016</li> <li>- Prel. Doc. No 2 of February 2017 and C&amp;R Nos 8-10 of CGAP 2017</li> <li>- Prel. Doc. No 2 of February 2018 and C&amp;R Nos 6-7 of CGAP 2018</li> <li>- Prel. Docs Nos 2A of October 2018, 2B of February 2019 and C&amp;R Nos 7-12 of CGAP 2019</li> <li>- Prel. Doc. No 2 of November 2019 and C&amp;R Nos 5-9 of CGAP 2020</li> <li>- Prel. Doc No 2A of October 2020, Prel. Doc. No 2B of February 2021 and C&amp;D Nos 5-6 of CGAP 2021</li> <li>- Prel. Doc. No 2A of July 2021, Prel. Doc. No 2B of November 2021 and C&amp;D Nos 5-6 of CGAP 2022</li> <li>- Prel. Doc. No 1 of November 2022 and C&amp;D No 3-8 of CGAP 2023</li> <li>- Prel. Doc. No 1 of November 2023 and C&amp;D No2-3 of CGAP 2024</li> </ul>

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# Working Group on Parentage / Surrogacy: Report of the second meeting (from 8 to 12 April 2024)

## I. Introduction

- 1 From 8 to 12 April 2024, the Working Group (WG) on Parentage / Surrogacy met for the second time. The meeting, held in hybrid format, was attended by 46 delegates and other experts, representing 27 HCCH Members and three Observers, as well as by members of the Permanent Bureau of the HCCH. The list of participants is included as an Annex (II).
- 2 At its 2023 meeting the Council on General Affairs and Policy (CGAP) mandated the establishment of a WG on private international law matters related to legal parentage generally, including legal parentage resulting from an international surrogacy arrangement. In addition, CGAP mandated:
  - “5. a. the Working Group first to explore provisions for, if possible, one new instrument on these matters, to further inform CGAP on policy considerations in relation to the scope and content of such instrument, including on the feasibility of reaching consensus. The Working Group could later explore the possibility of two instruments, if necessary;
  - b. the Working Group to proceed on the basis that the aim of any new instrument would be to provide greater predictability, certainty and continuity of legal parentage in international situations for all persons concerned, taking into account their human rights, including, for children, those enshrined in the *United Nations Convention on the Rights of the Child* (UNCRC) and in particular their right that their best interests be a primary consideration in all actions taken concerning them;
  - c. the Working Group to draw on the ideas and assessments in the Final Report of the Experts’ Group, recognising that a number of elements and approaches identified could feature either on their own or in a combined way; [...]”
- 3 At its 2024 meeting, “CGAP invited the PB to convene two further meetings within Financial Year (FY) 2024-2025, possibly in the second half of 2024 and in early 2025, in addition to the April 2024 meeting, with intersessional work as required. The meetings of the WG should preferably be held in person and intersessional work should take place online. The WG will report to CGAP 2025”.
- 4 CGAP also “reiterated that any work by the HCCH in relation to PIL matters related to legal parentage resulting from surrogacy arrangements should not be understood as supporting or opposing surrogacy”.
- 5 The *Aide-mémoire* of the Chair of the WG in Annex I provides an overview of the main points of discussion at the Group’s second meeting.

## II. Proposal for CGAP

- 6 The WG invites CGAP to take note of the *Aide-mémoire* contained in Annex I of this document prepared by the Chair of the WG, based on the deliberations during the second meeting.

## **ANNEXES**

## Annex I

### ***Aide-mémoire*** **of the second meeting of the Working Group on Parentage / Surrogacy prepared by the Chair**

1 This *Aide-mémoire* provides an overview of the main points of discussion at the second meeting of the Working Group held from 8 to 12 April 2024, under the chairmanship of Professor Michael Hellner (Sweden).

2 The *rapporteur* of the Subgroup which did intersessional work on draft provisions for rules of recognition of judgments on legal parentage presented an overview of work to date.

#### **A. Rules for recognition of legal parentage established by a judgment**

3 The Group discussed draft provisions on possible rules on the recognition by operation of law of judgments on legal parentage, the scope of such recognition, and the grounds for refusal of recognition.

#### **B. Safeguards / standards**

4 The Group had a preliminary discussion on safeguards / standards on the basis of the 2022 Final Report of the Experts' Group.<sup>1</sup> This discussion focused on the desirability and feasibility of including safeguards / standards for different case scenarios in a possible instrument on private international law on the recognition of judicial decisions on legal parentage. The Group discussed various safeguards / standards, and how these could be included in an instrument (e.g., as part of a definition, as conditions for recognition, as grounds for refusal, as general obligations). The Group also discussed the possible use of cooperation mechanisms, opt-in or opt-out mechanisms, and / or declaration or reservation procedures.

#### **C. Future work**

5 The Group will meet for its third meeting in November 2024 to continue its work on this Project. In preparation for its next meeting, the Group agreed that, based on the discussions taken place during the week, and with the aim of informing its future work: (a) the draft provisions on bases for recognition by operation of law of judgments on legal parentage and on grounds for refusal should be reviewed, and, (b) provisions on safeguards / standards should be drafted. It was decided that a subgroup would work intersessionally on such draft rules.

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<sup>1</sup> HCCH Parentage / Surrogacy Experts' Group [Final Report](#) "The feasibility of one or more private international law instruments on legal parentage", Prel. Doc. No 1 of November 2022, available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Parentage / Surrogacy".

## Annex II

### List of participants of the second meeting of the Working Group on Parentage / Surrogacy

	<i>Representing</i>	<i>Surname</i>	<i>First name</i>	<i>Job Title</i>	<i>Organisation</i>	<i>O: online S: onsite</i>
<b>Members</b>	<b>Argentina</b>	Rubaja	Nieve	Legal Adviser, Ministry of Foreign Affairs; Professor in Private International Family Law	University of Buenos Aires	S
	<b>Belgium</b>	Bruyninckx	Margot	Legal Adviser Family Law	Ministry of Justice	S
		Hanson	Laura	Legal advisor	Service Public Fédéral de la Justice	O
		Verbeemen	Kim	Legal advisor	Service Public Fédéral de la Justice	O
	<b>Brazil</b>	Froeder Dittrich	Lalisa	Chief of the Unit for International Child Support	National Secretariat of Justice, Ministry of Justice and Public Security	S
	<b>Canada</b>	Goupil	Josée-Anne	Counsel	Department of Justice Canada	O
		Jacques	Emmanuelle	Counsel	Department of Justice Canada	S
	<b>China</b>	Cui	Hongyu	Deputy Division Director, Department of Treaty and Law	Ministry of Foreign Affairs	O
		Gan	Yong	Professor of Law	Wuhan University School of Law	S

	leong	Sam In	Senior Officer	Macau SAR Legal Affairs Bureau	0
	Yuen	Cheuk Lun (Eric)	Senior Government Counsel, Treaties & Law	Hong Kong SAR Department of Justice	0
<b>Czech Republic</b>	Kadlecová	Martina	Head of the International Department for Civil Matters	Ministry of Justice	0
	Miltner	Aneta	Legal Expert, International Department for Civil Matters	Ministry of Justice	S
	Vostalova Grüter	Alena	Legal Expert, International Department for Civil Matters	Ministry of Justice	0
<b>European Union</b>	Vilar-Badia	Maria	Legislative Officer	European Commission	S
<b>Finland</b>	Silvola	Salla	Senior Ministerial Adviser, Legislative Affairs	Ministry of Justice	0
<b>France</b>	Fauchard	Estelle	Rédactrice	Ministère de la Justice	S
<b>Germany</b>	Janzen	Ulrike	Head of the Unit for Private International Law	Federal Ministry of Justice	S
<b>Greece</b>	Metallinos	Alexandros	Member of the Greek National Authority of Assisted Reproduction	Greek National Authority of Assisted Reproduction	0
<b>India</b>	Jawale	Priyanka	Legal Officer	Ministry of External Affairs	0

<b>Ireland</b>	O’Keeffe	Tracy	Principal Officer, Civil Justice Legislation	Department of Justice and Equality	O
<b>Israel</b>	Baron	Miriam	Senior Legal Counsel	Ministry of Justice	S
<b>Italy</b>	Bilotti	Emanuele	Professor of Private Law	European University of Rome	S
<b>Japan</b>	Nishitani	Yuko	Professor of Private Law	Kyoto University	S
	Oono	Tomoki	Attorney, Civil Affairs Bureau	Ministry of Justice Japan	O
<b>Mexico</b>	Albornoz	María Mercedes	External Adviser on PIL, Ministry of Foreign Affairs; Professor of Private International Law	Centro de Investigación y Docencia Económicas	S
<b>Netherlands</b>	Gelauff	Maril	Senior Legislative Counsel Family Law	Ministry of Justice and Security	O
	Van Bochove	Laura	Legislative Lawyer	Ministry of Justice and Security	S
	Volkers	Bregje	Senior Policy Officer Family Law	Ministry of Justice and Security	O
<b>Philippines</b>	Aguiling-Pangalangan	Elizabeth	Professor and Legal Expert	University of the Philippines College of Law	S
<b>Russian Federation</b>	Bereza	Zlata	Leading adviser of the Department of International Law and Cooperation	Ministry of Justice	O



	Shvets	Elena	Head of Section of the Legal Department	Ministry of Foreign Affairs	0
<b>South Africa</b>	Ozah	Karabo	Director, Centre for Child Law, Faculty of Law	Centre for Child Law	S/O
<b>Spain</b>	González Beilfuss	Cristina	Professor in Private International Law	University of Barcelona	S/O
<b>Sweden</b>	Hellner	Michael	Professor of Private International Law (Chair of the WG)	Stockholm University	S
<b>Switzerland</b>	Schickel-Küng	Joëlle	Co-Head of the Private International Law Unit	Federal Office of Justice	S
<b>Ukraine</b>	Taranenko	Kateryna	Leading Expert, Unit for Conclusion of International Treaties on Legal assistance	Ministry of Justice	0
<b>United Kingdom</b>	Knight	Eral	Head of Private International Law Negotiations and International Relations	Ministry of Justice	0
	Wright	Andrea	Senior Legal Adviser	Ministry of Justice	S
<b>United States of America</b>	Prosser	Sarah	Assistant Legal Adviser for PIL	U.S. Department of State	0
	Vogel	Lisa	Attorney Adviser	U.S. Department of State	S

<b>Observers IGO</b>	<b>United Nations Children's Fund</b>	Di Martino	Kirsten	Senior Child Right Adviser, Coordinator of the IRC Services	UNICEF	S
<b>Observers INGO</b>	<b>International Academy of Family Lawyers</b>	Casey	Margaret	Fellow, IAFL	Mills Lane Chambers	S/O
		Dally	Jemma	Fellow, IAFL	Goodman Ray Solicitors	O
		Kelsey	Rachael	President, IAFL	SKO Family Law Specialists	O
	<b>International Social Service</b>	Alloero	Carlotta	Child Protection Lawyer	ISS	S/O
<b>HCCH</b>	<b>Permanent Bureau</b>	Martínez-Mora	Laura	Secretary (Lawyer)	HCCH	S
		Page	Capucine	Legal Officer	HCCH	S
		Wells-Greco	Michael	Consultant	HCCH	S
		Mohammadi	Sayeh	Legal Contractor	HCCH	S

	Ethier	Jasmin	Intern	HCCH	S
	Pré纳斯	Mathilde	Senior Administrative Assistant	HCCH	S
	Hawkins	Stuart	Website / IT Officer	HCCH	S