

**REPORT OF THE ACTIVITIES OF THE REGIONAL OFFICES IN  
LATIN AMERICA AND THE ASIA PACIFIC  
(1 JANUARY – 31 DECEMBER 2015)**

*drawn up by the Permanent Bureau*

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**RAPPORT SUR LES ACTIVITÉS DES BUREAUX RÉGIONAUX  
AMÉRIQUE LATINE ET ASIE PACIFIQUE  
(1<sup>ER</sup> JANVIER – 31 DÉCEMBRE 2015)**

*établi par le Bureau Permanent*

**(DISPONIBLE EN ANGLAIS UNIQUEMENT)**

*Information Document No 1 of February 2016 for the attention  
of the Council of March 2016 on General Affairs and Policy of the Conference*

*Document d'information No 1 de février 2016 à l'attention  
du Conseil de mars 2016 sur les affaires générales et la politique de la Conférence*

## Introduction

1. This Information Document chronicles the major activities and achievements of both the Latin American Regional Office and the Asia Pacific Regional Office (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, including the Hague Principles, in their respective region.
2. Both Regional Offices 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 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, and to attract States to become State parties to Hague Conventions. Thus, the Regional Offices are integral to the HCCH's efforts to become a truly global organisation.
4. This year, the financial information of the Regional Offices is no longer included; instead, the finances of the Regional Offices are part of the overall audit.<sup>1</sup>

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<sup>1</sup> See Information Document No. 5 of February 2016 - Voluntary Contributions Interim Report (1 January – 31 December 2015).

## **Report: the Latin American Regional Office**

**(Buenos Aires, Argentina)**

### **Introduction (background)**

4. 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 Programme's success, and the generous support of the Argentine Government, a Latin American Regional Office (Regional Office) could eventually be established. The HCCH and the Argentine Government signed the Host Country Agreement on 7 May 2010. In July 2015, the Argentine Government made a Voluntary Contribution which made it possible for the Regional Office to move into new offices. These offices were officially opened on 25 November 2015.

### **Organisation**

5. 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. The Argentine Government continues to supply funding for the Regional Office's new offices, which provide modern facilities for interns, researchers and secondees. In 2015, the Regional Office received interns from Colombia, the Netherlands and Argentina, including student translators who have translated HCCH documents into Spanish.

### **Achievements: Projects and Activities 2015**

6. In 2015, the Regional Office continued to respond to requests relating to the interpretation and operation of 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 Hague Conventions within the region. Providing this service also ensured better accessibility to the Hague Conventions, including the Hague Principles, while allowing the HCCH to identify more efficiently any existing practices, and possible concerns, regarding the operation of Conventions in the region.

7. The HCCH's second regional seminar in the Caribbean was a collaboration between the HCCH and the Commonwealth Secretariat. 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", the Regional Office contributed significantly to the organisation of this successful regional seminar, held in Port of Spain, Trinidad and Tobago, from 15 to 17 June 2015. The over 100 participants expressed their appreciation for the support the Regional Office has provided to the region. They also recommended that efforts be undertaken to enable the Regional Office to increase its visibility and capacity to provide assistance to the region.

8. The co-operation of the Regional Office with Ibero-American institutions continues to be productive. The Regional Office supported the IberRed Secretariat in its work on Child Maintenance, presenting the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (2007 Maintenance Convention) at the first IberRed meeting in this field. This meeting was held in Cartagena de Indias, Colombia, in September 2015.

9. As permanent member of the working group on judicial co-operation, convened as part of the Ibero-American Judicial Summit, the Representative had the opportunity to contribute to the development of a new specific section for the Ibero-American Protocol on Judicial Co-operation, focusing on international child abduction. This section provides general guidelines for judges dealing with international child abduction cases (the draft is subject to approval by the next Judicial Summit, to take place in Paraguay in April 2016).

10. The Representative also had the opportunity to meet with the Organisation of American States' Inter-American Commission on Human Rights. He mainly discussed the operation of

the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (1980 Child Abduction Convention), but also introduced the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (1996 Child Protection Convention) and the 2007 Maintenance Convention. In addition, the Representative provided customised training sessions on the 1980 Child Abduction Convention, targeted at officers of the Centre for Justice and International Law (CEJIL).

11. The Regional Office participated in a series of international child abduction trainings for judges and other actors in Peru, Argentina, Uruguay and Brazil, and provided post-Convention assistance to the Central Authorities of Costa Rica and Guatemala.

12. Finally, the Hague Legal Co-operation and Litigation Conventions continued to attract interest among a number of States in the region. Costa Rica has approved the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1965 Service Convention), the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (1970 Evidence Convention), and the Hague Convention of 25 October 1980 on International Access to Justice (1980 Access to Justice Convention) in Congress, while Brazil and Chile have acceded to the Apostille Convention. The Secretary General and the Representative for Latin America have provided post-Convention assistance for the implementation of the Apostille Convention both in Chile and Brazil.

### **Challenges**

13. The Regional Office seeks to increase the HCCH's visibility in the Caribbean Region, building upon the momentum gained at the successful regional seminar held in Trinidad and Tobago. Ensuring the proper operation of the Child Abduction Convention remains an ongoing concern. A particularly demanding task is addressing the recurring problem of delays under the Convention.

14. With the increased interest in the implementation of the 1996 Child Protection Convention, the 2007 Maintenance Convention, the 1965 Service Convention and the 1970 Evidence Convention, as well as the e-APP, the Regional Office continues to find ways to meet the demands of States in the region. Finally, the use of Spanish, and in particular the provision of translations into Spanish, continues to be a challenge for the Regional Office. To an extent, this challenge will be addressed with the assistance of translation interns.

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

**Introduction (Background)**

15. The establishment of the Asia Pacific Regional Office (Regional Office) was endorsed by the Council on General Affairs and Policy during its meeting in April 2012. It officially opened on 13 December 2012 in the Hong Kong Special Administrative Region (HK SAR) of the People's Republic of China (China). Mr Justice Hartmann, a non-permanent judge of the HK SAR Court of Final Appeal, was appointed as the first Representative of the Hague Conference for the Asia Pacific Region.

**Organisation**

16. The Regional Office is currently headed by Professor Anselmo Reyes SC, the Representative of the Hague Conference for the Asia Pacific Region (Representative). The Representative is assisted by Ms Alix Ng, the Office Manager, and a Legal Officer who is seconded to the Regional Office by the Chinese Ministry of Foreign Affairs. The Regional Office entered into Memorandums of Understanding on Academic Co-operation with Kyushu University of Japan and Melbourne University of Australia respectively, providing opportunities for internships and research secondments at the Regional Office.

**Achievements: Projects and Activities 2015**

17. In the three years since its establishment, the Regional Office has been promoting membership in the HCCH and accession to Hague Conventions. It has done this through conferences, workshops, lectures and other activities across the Asia Pacific Region, including providing opportunities for secondments and internships. The following achievements of the Regional Office in 2015 are notable.

*Conference on the Hague Securities Convention: China and the World*

18. The Regional Office and the China University of Political Science and Law in Beijing organised this event which took place on 23 June 2015 in Beijing, China. The event was generously supported by the Government of the People's Republic of China. Over 40 participants, including government officials, academics and invited experts from the HCCH, China (including HK SAR), the United Kingdom and the United States of America attended the Conference. They shared views on private international and financial law issues arising from the Hague Convention of 5 July 2006 on the Law Applicable to Certain Rights in Respect of Securities held with an Intermediary (2006 Securities Convention) and examined, how accession to the Convention could benefit the economies of China and other country in the Asia Pacific Region. Participants agreed that the Convention was useful for setting up a simple but efficient system for the determination of the applicable law in respect of securities held with an intermediary.

*Towards the Well-Being of the Child through the Hague Child Abduction and Protection of Children Convention: An Asia Pacific Symposium*

19. The Regional Office, in conjunction with the Governments of Macau SAR and HK SAR, sponsored this Symposium, which was held from 25 to 26 June 2015 in Macau. In attendance were about 130 participants, comprising (among others) sitting judges, government officials, legal practitioners, academic and other experts and consular officers from the Asia Pacific Region and other countries. The Symposium focused on the complementarity between the 1980 Child Abduction Convention and the 1996 Child Protection Convention. The participants reached consensus on the advantages of becoming a party to both Conventions and they also stressed the importance of the implementation of the 1996 Child Protection Convention to ensure the sound practical operation of the 1980 Child Abduction Convention. The Symposium provided a unique forum for Central Authority delegates and Family Court judges from Asia Pacific countries to share experiences and exchange views on the implementation of the two Conventions in their jurisdictions. In addition, the Symposium considered the utility of

mediation in furthering the objectives of the 1980 and the 1996 Conventions, especially where States not parties to one or both Conventions are involved.

*APEC Workshop on effective enforcement of business contracts and efficient resolution of business disputes through the Hague Choice of Court Agreements Convention*

20. The Workshop was organised by the Regional Office and the Department of Justice (DoJ) of HK SAR. The event was held in collaboration with the UNCITRAL Regional Centre for Asia and the Pacific on 1 September 2015 in Cebu, the Philippines, in the margins of the APEC Senior Officials Meetings. Over 40 participants from APEC Member Economies and international organisations attended, including government officials, judges and academics. The event highlighted the important roles of the Hague Convention of 30 June 2005 on Choice of Court Agreements and the Hague Principles play in facilitating trade and investment among APEC economies, including by promoting party autonomy, thus strengthening legal certainty and predictability in cross-border commercial transactions. The Workshop has attracted the attention of high-ranking officials of the APEC economies, who especially noted the importance of international legal instruments developed by the HCCH and their adoption by the APEC Member States.

*Global Conference on the Recovery of Child Support and Family Maintenance in the Asia Pacific Region and Worldwide: National and Regional Systems and the Hague 2007 Maintenance Convention and Protocol*

21. Together with the DoJ of HK SAR, the Regional Office organised this conference, held from 9 to 11 November 2015 in HK SAR. The event was part of the "HCCH Asia Pacific Week 2015". More than 150 experts attended the conference. The delegates discussed the need to develop the recovery of child support and other forms of family maintenance under the 2007 Maintenance Convention, especially in the Asia Pacific Region. Recent initiatives in that direction were highlighted. The programme comprised 10 parallel workshops, which offered participants the opportunity to discuss select issues relating to the 2007 Maintenance Convention and the Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations (2007 Maintenance Protocol). The Hong Kong event provided an opportunity for experts to discuss the dynamic development of family law and policy in the Asia Pacific Region, and represented an important occasion for key players in the field throughout the world to meet colleagues, make new contacts, expand networks and fill knowledge gaps.

*Second Global Meeting of the International Hague Network of Judges*

22. The Regional Office and the DoJ of Hong Kong SAR jointly organised *the Second Global Meeting of the International Hague Network of Judges*, held in Hong Kong SAR, China, from 11 to 13 November 2015. This event was also part of the "HCCH Asia Pacific Week 2015". Around 30 judges from all over the world attended the meeting. The judges from various countries discussed the on-going work of the judges' network, reviewed information actions to promote direct judicial communications, and considered various other related issues. The global meeting also discussed the effective operation of the 1980 Child Abduction and the 1996 Child Protection Conventions in anticipation of the Seventh Meeting of the Special Commission to Review the Practical Operation of both Conventions. The meeting provided a venue for the exchange of views and the dissemination of information in the field of family law among Network Judges and for the further development of the Hague Network.

## **Challenges**

23. In the Asia Pacific region jurisdictions are spread out geographically and are highly diverse in terms of history, culture, religion, language, economy and legal system. In terms of legal systems, there are civil law, common law and mixed civil and common law jurisdictions. Within the Asia Pacific Region, there are still a significant number of States which are not members of the HCCH. Accession by Asia Pacific States to key Hague Conventions has been limited. In this connection, the HCCH's main objectives of encouraging more Asia Pacific States to join the HCCH and accede to Hague Conventions as soon and as possible remains a priority. To accomplish these objectives, the Asia Pacific Regional Office will, within the constraints of its

budgeted resources, continue to organise events (including conferences, symposiums, seminars, workshops and other activities) on the Hague Conventions and the Hague Principles in the Asia Pacific Region. The experience of the last three years suggests that such events are an important and effective means of attracting more Asia Pacific States to join the HCCH and become party to the principal Hague Conventions.