

<b>Title</b>	<b>Proposed Approach for the Collection of Statistical Data: Update</b>
<b>Document</b>	<b>Prel. Doc. No 12 of February 2023</b>
<b>Author</b>	PB
<b>Agenda Item</b>	Item III.4.b.
<b>Mandate(s)</b>	C&D No 15 of CGAP 2021 C&D No 38 of CGAP 2022
<b>Objective</b>	Update on the proposal for the collection and analysis of statistical data in relation to HCCH Core Conventions
<b>Action to be Taken</b>	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"/>
<b>Annex</b>	N/A
<b>Related Documents</b>	<a href="#">Prel. Doc. No 16 of December 2021</a> – Proposed Approach for the Collection of Statistical Data

## Table of Contents

I.	Introduction .....	2
II.	Purpose of Data Collection and Analysis.....	2
III.	Methodological Aspects to Consider .....	3
	A. Consultation with Members and Contracting Parties.....	3
	B. Preliminary assessment of feasibility.....	4
	C. Research design.....	4
	1. Data analysis.....	4
	2. Ethics & data management.....	5
IV.	Proposal for CGAP .....	5

# Proposed Approach for the Collection of Statistical Data: Update

## I. Introduction

- 1 At the March 2022 meeting of the Council on General Affairs and Policy (CGAP), the Permanent Bureau (PB) presented Prel. Doc. No 16 of December 2021, “Proposed Approach for the Collection of Statistical Data”. Prel. Doc. No 16 was in response to CGAP’s request in 2021 that the PB identify possible approaches for the more effective collection and analysis of statistical data in relation to HCCH Conventions, taking into account the needs of, and the impact on, HCCH Members and Contracting Parties.<sup>1</sup>
- 2 As a result of the discussion prompted by Prel. Doc. No 16, in its Conclusion and Decision (C&D) No 38 of March 2022, CGAP “invited the PB to undertake further work on options for the collection of statistics relating to the HCCH Core Conventions, including through consultation with Members and Contracting Parties”, and to report to CGAP at its 2023 meeting.<sup>2</sup>
- 3 The PB recalls that it already collects data for the purposes of analysis data on specific, timely occasions (e.g., for meetings of the Special Commissions (SCs)) for the Apostille, Service, Evidence, Child Abduction, Adoption and Child Support Conventions.<sup>3</sup> Data is collected on each of these Conventions through the circulation of a statistical questionnaire, which is accompanied by a questionnaire on the practical operation of that Convention and a request for the completion or update of the respective Contracting Party’s Country Profile. The PB, at times assisted by external consultants, collates and assesses the data collected in light of the information relevant to the operation and implementation of the Convention in question.
- 4 Due to resourcing constraints at the PB, the PB has been unable to undertake much further work on options for the collection of statistics relating to the HCCH Core Conventions, or to consult with Members and Contracting Parties, as mandated by CGAP in 2022. As mandated by CGAP, this Prel. Doc. reports on the PB’s initial work in relation to the proposed methodological approach to collecting statistical data on the HCCH Core Conventions. This initial work builds on comments of Members during the meeting of CGAP in 2022, considering the methodological aspects of data collection and analysis in light of the overarching purpose of collecting data on the HCCH Core Conventions. The proposed options presented in this Prel. Doc. do not preclude or affect existing approaches to data collection for specific Conventions.

## II. Purpose of Data Collection and Analysis

- 5 Before further work on options for the collection of statistics is undertaken, the purpose of data collection and analysis should first be considered. In this context, the environment in which HCCH Conventions operate has become increasingly complex. As the incidence of cross-border situations grows due to increasing levels of cross-border mobility of people and goods, the legal landscape has become more complicated and, in some cases, fragmented. Robust datasets can provide insights to the HCCH in taking strategic, data-driven decisions in relation to the Core Conventions. They can also provide insights to Contracting Parties and interested States in assessing the impact

---

<sup>1</sup> C&D No 15 of CGAP 2021, available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Governance”, then “Council on General Affairs and Policy”, then “Archive”.

<sup>2</sup> C&D No 38 of CGAP 2022, available on the HCCH website at [www.hcch.net](http://www.hcch.net) (see path indicated in note 1).

<sup>3</sup> The statistics for the 1993 Adoption Convention are collected annually based on the statistical questionnaires found in Prel. Doc. No 2 of 2005 and Prel. Doc. No 5 of 2010, both of which have been adopted by the SC. As statistics were submitted by Contracting Parties retrospectively, the PB has annual statistics for the 1993 Adoption Convention since 2000. For the 2007 Child Support Convention, the Administrative Cooperation Working Group (ACWG) on the Convention has developed the statistical questionnaire for that Convention, which was adopted by the SC in May 2022. If CGAP endorses the work, as well as the Conclusions and Recommendations of the SC meeting of May 2022, Contracting Parties will be in a position to submit statistics relating to the 2007 Child Support Convention on an annual basis as of 2024.

of the Conventions, as well as to the PB in fulfilling its mandate. For example, insights from such datasets may assist in

- a. promoting the Conventions (e.g., by providing data trends on the cost savings as a result of becoming a Party to certain HCCH Conventions),
- b. providing post-Convention services and assistance (e.g., by showing which aspects of certain HCCH Conventions may be better operated or may benefit from technical assistance), and
- c. reviewing the practical operation of the Conventions (e.g., by providing data as to which jurisdictions are more effectively operating certain HCCH Conventions, and what lessons can be learned from their experiences).

6 The collection and analysis of statistical data, in an uninterrupted and robust manner, allows an objective comparison of datasets across time periods, which in turn enables the qualitative and quantitative measure of the impact of the HCCH Conventions and instruments, allowing the Organisation to make informed decisions as to its work programme.

7 Options for data collection and analysis should build on the experience the PB has had in the past with the collection of statistical data on specific, timely occasions (e.g., for the meeting of the SCs), as well as on data collected through projects that have been discontinued (e.g., INCASTAT<sup>4</sup>). This will also allow the HCCH to learn from challenges in the past with data collection (including, in the case of INCASTAT for example, the lack of systematically available funds).

### III. Methodological Aspects to Consider

8 Collecting and analysing statistical data requires designing and applying robust methods of data collection, and careful thinking of analytical approaches in light of the specific objective (*i.e.*, what is the output sought, and what is the output intended to demonstrate) and topic (e.g., what is the subject-matter being studied, and whether there are considerations as to the ethics and accuracy of data collected). The following aspects may be important in deciding the best way forward.

#### A. Consultation with Members and Contracting Parties

9 In line with C&D No 38 of 2022, the PB will consult with Members and Contracting Parties to gather information about the following questions:

- a. Which core Conventions would benefit from the collection of data on an annual basis?
- b. On the basis of the Conventions identified by Members and Contracting Parties,
  - i. What is the purpose of the collection of data and the analysis of statistics for that Convention?
  - ii. What data are Members and Contracting Parties ready to provide that would not be burdensome to collect?
  - iii. Why would such data be easy to collect?

10 CGAP may want to consider mandating the PB to circulate a questionnaire to Members and the Contracting Parties of the respective HCCH Core Conventions in order to gather information about the following questions.

---

<sup>4</sup> See [Prel. Doc. No 7 of December 2020](#) of CGAP 2021, "Status and use of INCASTAT – a critical assessment", available on the HCCH website at [www.hcch.net](http://www.hcch.net) (see path indicated in note 1).

## B. Preliminary assessment of feasibility

- 11 Following on the initial input from Members and Contracting Parties as described in the section above, a preliminary assessment on the feasibility of collecting data, including a consideration of the type of data to be collected, in relation to certain HCCH Conventions may be necessary. Some identified HCCH Conventions may need to be initially excluded from this project due to practical or ethical constraints in the methodology that can be applied, and the quantification and measurement of numerical datasets. For example, a combined qualitative approach, coupled with an understanding that a purely quantitative analysis may not be capable of providing an accurate portrait of the operation of the relevant Convention, may be necessary in the field of international family and child protection law to avoid running into ethical constraints.
- 12 For this reason, CGAP may want to consider that, where possible, the PB conduct a preliminary feasibility assessment of the statistical study of each of the identified HCCH Conventions, including through consultation with the relevant Central or Competent Authorities, statisticians, and other subject-matter experts. The PB will report to CGAP at its 2024 meeting as to which HCCH Conventions data can most feasibly be collected, the possibility of combining qualitative and / or quantitative methods of data collection, and what methods of analysis may be most feasible and appropriate.

## C. Research design

- 13 Robust research design<sup>5</sup> is necessary in order to elaborate an accurate methodology of data collection and detail how the information obtained will be processed. It is in the context of a broader research design that approaches are to be determined, in particular in relation to (a) the number of questions in the survey; (b) the specific wording of the questions; (c) the type and size of the survey catchment audience; (d) the type of quantitative data to be produced (e.g., number of cases); and, (e) how the data is intended to be analysed.
- 14 As noted above, the PB has experience with conducting surveys on special occasions, for example, ahead of meetings of SCs. Lessons learned from this experience can be put to good use in this effort to collect holistic data, including how best to tackle low response rates and how to improve user-friendliness and accessibility of the data collection initiative.<sup>6</sup> These elements should be included in the research design to allow for the greatest possible participation and to avoid creating further burdens on the time of Members and Contracting Parties. Two essential components of this research design are: data analysis, and ethics and data management.

### 1. Data analysis

- 15 Analysing statistical data relating to HCCH Conventions requires careful consideration and specialised knowledge about the relevant treaty mechanisms. Where purely descriptive statistical

---

<sup>5</sup> The concept of research design (RD) used in this document could be defined as “[...] a plan or a process of deliberate anticipation directed towards bringing an expected situation. It involves visualization of the entire process of conducting research before its actual commencement. It includes the plan, structure, and strategy of investigation so as to obtain answer to research questions. The structure connotes the scheme and paradigm of the operation of variables while strategy hints at the methods to be used to gather and analyse the data. RD provides a basis for interpretation of data. [...]”, P. Ishwara Bhat, "Choosing, Designing, and Building the Legal Research Theme", in *Idea and Methods of Legal Research*, Delhi: Oxford University Press, 2020, Oxford Scholarship Online, 2020.

<sup>6</sup> In [Prel. Doc. No 16 of December 2021 of CGAP 2022](#), “Proposed Approach for the Collection of Statistical Data”, the PB offered the following information on the response rates: “(...) Of the questionnaires circulated during the past three years (2019 to 2021), the response rate among Contracting Parties was 57.8%. For Apostille, which had a response rate of 57.5% of Contracting Parties (one of the higher response rates), the Special Commission asked for the Questionnaire to be reopened in an effort to garner further responses. Similarly, in 2020, CGAP extended the deadline for the questionnaire on the 2007 Child Support Convention due to a low number of responses.” Available on the HCCH website at [www.hcch.net](http://www.hcch.net) (see path indicated in note 1).

data is obtained (e.g., the number of Apostilles issued per year), the PB would be able to process and directly publish data collected. However, the type of variables analysed may make it necessary to combine legal knowledge about the respective treaty mechanisms with in-depth expertise about statistics or the use of specialised software (e.g., Stata) to process the data collected. An example is the case of data collected in some Contracting Parties and extrapolated to the global level (including the use of a “sampling technique”). If the approach were to include inferential statistics and differentiated sampling methods, specialised expertise from experienced quantitative researchers with knowledge in the field may be necessary.

- 16 CGAP may want to consider whether resource considerations mean that a possible way forward is to consult with subject-relevant experts and explore possible partnerships with universities, research centres, academics, and international organisations that have statistics departments.

## **2. Ethics and data management**

- 17 Data collection and analysis should be conducted responsibly. Some HCCH Core Conventions relate to sensitive topics on which the collection of data may be a challenge as it creates obligations in relation to data handling, storage, processing, analysis, and presentation. CGAP may want to consider these issues to ensure that the collection of statistical data on HCCH Core Conventions abide by research and data management ethics.

## **IV. Proposal for CGAP**

- 18 Taking into consideration the limited resources available, the PB proposes the following C&D:
- CGAP invited the PB to undertake further work on options for the collection of statistics relating to the HCCH Core Conventions, including through consultation with Members and Contracting Parties, by circulating a questionnaire to identify which Core Conventions the PB should undertake work on, as well as the feasibility of data collection and statistical analysis on these identified Core Conventions. CGAP invited the PB to explore possible partnerships in the collection and analysis of statistical data on these identified Core Conventions with subject-relevant experts. The PB will report to CGAP at its 2024 meeting.