

Title	Report of the Experts' Group on the Parentage / Surrogacy Project (meeting from 15 to 17 February 2021)
Document	Prel. Doc. No 2B of February 2021
Author	Experts' Group on the Parentage / Surrogacy Project
Agenda Item	Item III.2
Mandate(s)	C&D Nos 5-9 of CGAP 2020
Objective	To report on the eighth meeting of the Experts' Group
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"/>
Annex	List of participants of the eighth meeting of the Experts' Group on the Parentage / Surrogacy Project
Related Documents	<ul style="list-style-type: none"> - Prel. Docs Nos 3A of February 2015, 3B and 3C of March 2014 and C&R No 5 of CGAP 2015 - Prel. Doc. No 3 of February 2016 and C&R No 15 of CGAP 2016 - Prel. Doc. No 2 of February 2017 and C&R Nos 8-10 of CGAP 2017 - Prel. Doc. No 2 of February 2018 and C&R Nos 6-7 of CGAP 2018 - Prel. Docs Nos 2A of October 2018, 2B of February 2019 and C&R Nos 7-12 of CGAP 2019 - Prel. Doc. No 2 of November 2019 and C&D Nos 5-9 of CGAP 2020 - Prel. Doc No 2 of October 2020

Report of the Experts' Group on the Parentage / Surrogacy Project (meeting from 15 to 17 February 2021)

I. Introduction

- 1 From 15 to 17 February 2021, the Experts' Group on the Parentage / Surrogacy Project (EG) met via videoconference. This eighth meeting of the EG was attended by 29 experts, two Observers and members of the Permanent Bureau (PB) of the HCCH. The experts represented 22 Member States from various regions and one Regional Economic Integration Organisation. The list of participants is included as an Annex.
- 2 At its 2020 meeting, the Council on General Affairs and Policy (CGAP) endorsed the continuation of the work of the EG and requested that a short update on progress be presented at the 2021 CGAP meeting and a full report be provided at the 2022 CGAP meeting.
- 3 The EG discussed what should be the focus of its work at its next meeting(s) in order to prepare its final report to CGAP on the feasibility of a possible future general private international law instrument on legal parentage (the Convention) and the feasibility of a separate possible future protocol with private international law rules on legal parentage established as a result of an international surrogacy arrangement (the Protocol).
- 4 Taking into account the difficulties of having meaningful discussions on many of the outstanding issues¹ when experts are participating online from very different time zones, the Group was of the view that it is necessary to have an in-person meeting in order to prepare its final report to be submitted to CGAP. In addition, intersessional work, through several shorter online meetings of the Group as well as the continued use of subgroups, could be organised in order to advance the work in preparation for the in-person meeting.

II. Conclusions and Recommendations

- 5 In light of the above, and considering that it might not be possible for many of the experts to travel before 2022, the EG recommends to CGAP that its mandate is extended for one more year in order to allow the EG to be able to continue intersessional work and convene several short online meetings as well as at least one in-person meeting, before submitting its final report to CGAP in 2023.

¹ See Prel. Doc. 2A of October 2020 for the attention of CGAP 2021.

ANNEX

Annex

List of participants of the eighth meeting of the Experts' Group on the Parentage / Surrogacy Project

Members	Argentina	Rubaja	Nieve	Legal Adviser, Ministry of Foreign Affairs; Professor in Private International Family Law	University of Buenos Aires
	Australia	Pascoe, AC CVO	John	Former Chief Justice, Chief Justice's Chambers	Family Court of Australia, Chief Justice's Chambers
	Brazil	Froeder Dittrich	Lalisa	Specialist in Public Policy and Government Management, Asset Recovery and International Legal Cooperation	National Secretariat of Justice, Ministry of Justice and Public Security
	Canada	Riendeau	Marie	Counsel, Constitutional, Administrative and International Law Section	Department of Justice Canada
	China	Wu	Yingying	Professor of Law	China University of Political Science and Law
	European Union	Vilar-Badia	Maria	Legislative Officer	European Commission
		Vysoka	Lenka	Legal and Policy Officer	European Commission
	France	Potentier-Rios	Sophie	Rédactrice au Bureau du droit des personnes et de la famille	Ministère de la Justice
	Germany	Janzen	Ulrike	Head of the Unit for Private International Law	Federal Ministry of Justice and Consumer Protection
		Henneberger	Barbara	Legal Officer, Unit for Private International Law	Federal Ministry of Justice and Consumer Protection
	India	Narayan	Geeta	Joint Secretary, Department of Health Research	Ministry of Health and Family Welfare India
		Sowmya	K.C.	Legal Officer (Gr. I), Legal and Treaties Division	Ministry of External Affairs
	Israel	Friedberg	Jacob	Senior Legal Counsel, Office of Legal Counsel and Legislative Affairs	Ministry of Justice
	Italy	Carpaneto	Laura	Associate Professor of European Law; Member, International Association of Child Law Researchers (IACLaR)	University of Genoa
Japan	Nishitani	Yuko	Professor of Private International Law	Kyoto University	

	Mexico	Albornoz	María Mercedes	External Adviser on PIL to the Office of the Legal Adviser, Ministry of Foreign Affairs; Professor	Centro de Investigación y Docencia Económicas, A.C. (CIDE)
		León-Vargas	Alejandro	Second Secretary, Legal Adviser	Embassy of the United Mexican States
	Netherlands	<i>Unable to attend</i>			
	New Zealand	Casey, QC	Margaret	Barrister	Private Practice
	Philippines	Aguiling-Pangalangan	Elizabeth	Professor of Private International Law; Director, Institute of Human Rights	University of the Philippines
	Russian Federation	Khazova	Olga	Leading Legal Scholar	The Private Law Research Centre named after S.S. Alekseev (Moscow), Department of Family Legislation and Legislation on Inheritance
	South Africa	Ozah	Karabo	Attorney; Director, Centre for Child Law, Faculty of Law	University of Pretoria
		Louw	Ananda	Specialist State Law Adviser	SA Law Reform Commission
	Spain	Gonzalez Beilfuss	Cristina	Professor in Private International Law, Faculty of Law	University of Barcelona
	Sweden	Hellner	Michael	Professor of Private International Law	Stockholm University
	Switzerland	Schickel-Küng	Joëlle	Co-Head of the Private International Law Unit (Chair of the eighth meeting of the Experts' Group)	Federal Office of Justice
	Ukraine	Ruda	Lyudmyla	Deputy Head of the Department on International Legal Assistance; Head of the Division on Conclusion	Ministry of Justice
	United Kingdom	Knight	Eral	Head of EU / International PIL Negotiations & Strategy	Ministry of Justice
		Wright	Andrea	Senior Legal Advisor, European Union Civil Law & Private International Law Team	Ministry of Justice
	United States of America	Vogel	Lisa	Attorney Adviser, US Department of State, Office of the Legal Adviser	U.S. Department of State

Observers - IGO	United Nations Children's Fund (UNICEF)	Di Martino	Kirsten	Senior Child Protection Adviser, Programme Division	United Nations Children's Fund (UNICEF)
Observers - NGO	International Academy of Family Lawyers (IAFL)	Kelsey	Rachael	IAFL President, European Chapter	SKO Family Law Specialists
		Dally	Jemma	Partner	Goodman Ray Solicitors
	International Social Service (ISS)	<i>Unable to attend</i>			
HCCH	Permanent Bureau	Bernasconi	Christophe	Secretary General	HCCH
		Martinez-Mora	Laura	Secretary	HCCH
		Page	Capucine	Legal Officer	HCCH
		Baker	Hannah	Consultant to the Permanent Bureau	HCCH
		Wells-Greco	Michael	Consultant to the Permanent Bureau	HCCH
		Cho	Soojin	Judge on Secondment at the Permanent Bureau	HCCH
		Edwards	Courtney	Intern	HCCH
		Keane	Nietta	Intern	HCCH

Préas

Mathilde

Senior Administrative Assistant

HCCH