

A few takeaways from the 2022 meeting of the HCCH governing body (CGAP): publications and future meetings

On 7 March 2022, the Conclusions & Decisions of the governing body of the Hague Conference on Private International Law (HCCH), *i.e.* the Council on General Affairs and Policy (CGAP), were released. [Click here](#) for the English version and [here](#) for the French version.

For official information on the ceremony of signatures and ratifications of instruments, [click here](#) (HCCH news item). For our previous post on the signature of the USA of the 2019 Judgments Convention, [click here](#).

Although a wide range of topics was discussed, I would like to focus on two: publications and future meetings.

1) Publications

This meeting was very fruitful in getting the necessary approval for HCCH publications. There were three publications approved, ranging from family law to access to justice for international tourists.

Family law

The Council adopted the following decision: “12. CGAP approved the Practitioners’ Tool: Cross-Border Recognition and Enforcement of Agreements Reached in the Course of Family Matters Involving Children, subject to editorial amendments, for publication.”

The Report of the Experts’ Group on Cross-Border Recognition and Enforcement of Agreements in Family Matters Involving Children (meetings of 14-15 September and 29-30 November 2021) is available [here](#). The Chair of the Experts’ Group is *Professor Paul Beaumont*. The work of this Expert’s Group has ended.

The draft of the Practitioners’ Tool: Cross-Border Recognition and Enforcement of

Agreements Reached in the Course of Family Matters Involving Children has been made available. For French, [click here](#).

As some of you may be aware, this tool is an alternative to the drafting of a binding instrument in this area. In 2017, the Experts' Group drafted the following Conclusion and Recommendation for the attention of the Council on General Affairs and Policy of March 2018:

“Therefore the Experts’ Group recommends to the Council to develop a new Hague Convention that would build on, and add value to, the 1980, 1996 and 2007 Hague Conventions, and be developed with a view to attracting as many States as possible.”

The reasoning of the Experts' Group was the following:

While the existing Hague Family Conventions encourage the amicable resolution of disputes involving children, they do not contemplate the use of “package agreements” (i.e., family agreements related to custody, access, relocation and/or child support and which may include spousal support and other financial matters, such as property issues) and do not provide a simple, certain or efficient means for their enforcement. From the Group’s experience it is recognised that such agreements are increasingly frequently used. Very often the matters covered require the simultaneous application of more than one Hague Family Convention while some elements of those package agreements are not within the scope of any of the existing Hague Family Conventions. This creates difficulties for the enforcement of package agreements.

Unfortunately (or fortunately depending on how people may view this), this initiative was not taken on board by Council in 2018. See [here](#).

Apostille

The Council adopted the following decision: “31. CGAP approved the second edition of the Practical Handbook on the Operation of the Apostille Convention, subject to editorial amendments, for publication.” This draft is not yet publically available.

The first edition of the Apostille Handbook is available [here](#).

Access to Justice for international tourists and visitors

The Council adopted the following decision: “3. CGAP approved the Practical Guide to Access to Justice for International Tourists and Visitors, subject to editorial amendments, for publication on the HCCH website.”

The draft of the Practical Guide to Access to Justice for International Tourists and Visitors is available [here](#).

As with the recognition and enforcement of agreements reached in the course of family matters, the initial proposal was the developing of a new instrument.

At its meeting in 2013, the CGAP took note of the suggestion by Brazil to undertake work on co-operation in respect of protection of tourists and visitors abroad. See in particular Prel. Doc. No 3 of February 2018 - Final report concerning a possible future Convention on Co-operation and Access to Justice for International Tourists drafted by *Professor Emmanuelle Guinchard*.

2) Meetings

With regard to future meetings, there are a few meetings in the pipeline:

Special Commission meetings (SC) in 2022 (basically, a global meeting of experts):

- Special Commission on the practical operation of the 2007 Child Support Convention and its Protocol - to be held from 17 to 19 May (in-person meeting) - This will be the first meeting ever of the SC on this topic
- Special Commission on the practical operation of the 1993 Adoption Convention - to be held from 4 to 8 July (online meeting)
- Special Commission on the practical operation of the 2000 Protection of Adults Convention - to be held from 9 to 11 November - This will be the first meeting ever of the SC on this topic

And finally, the Working Group on matters related to jurisdiction in transnational civil or commercial litigation - to hold “two further meetings before the 2023 meeting of CGAP, with intersessional work as required”.

