



# Orientation Session

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Brasília, 14 October 2019

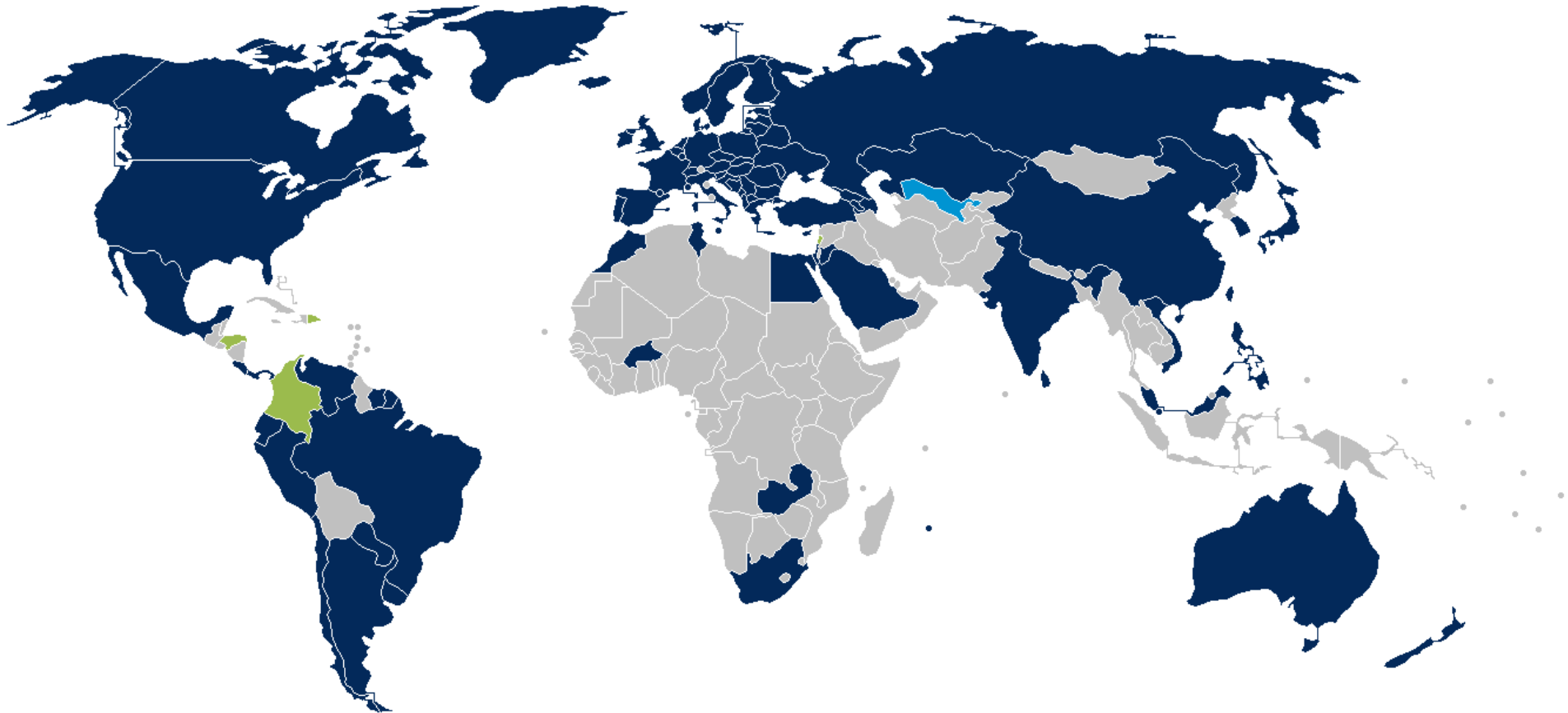
Dr Christophe Bernasconi  
Secretary General

# HCCH

- Intergovernmental Organisation (1893)
- Legislative Mandate: “progressive unification of the rules of private international law”
- 37 Conventions (+ 2 Protocols + 1 soft law instrument), dealing with:
  1. Int’l Civil Procedural Law & Recognition of documents
  2. Int’l Family & Child Protection matters
  3. Int’l Commercial & Finance Law
- “HCCH”...

# 83 HCCH Members

82 States + 1 Regional Economic Integration Organisation (EU)



## ■ Candidate State

*Applied for membership  
(six-month voting period)*



*Uzbekistan*

## ■ Admitted State

*Applied for membership, admitted by  
affirmative vote, must still accept*



*Dominican Republic*



*Colombia*



*Lebanon*



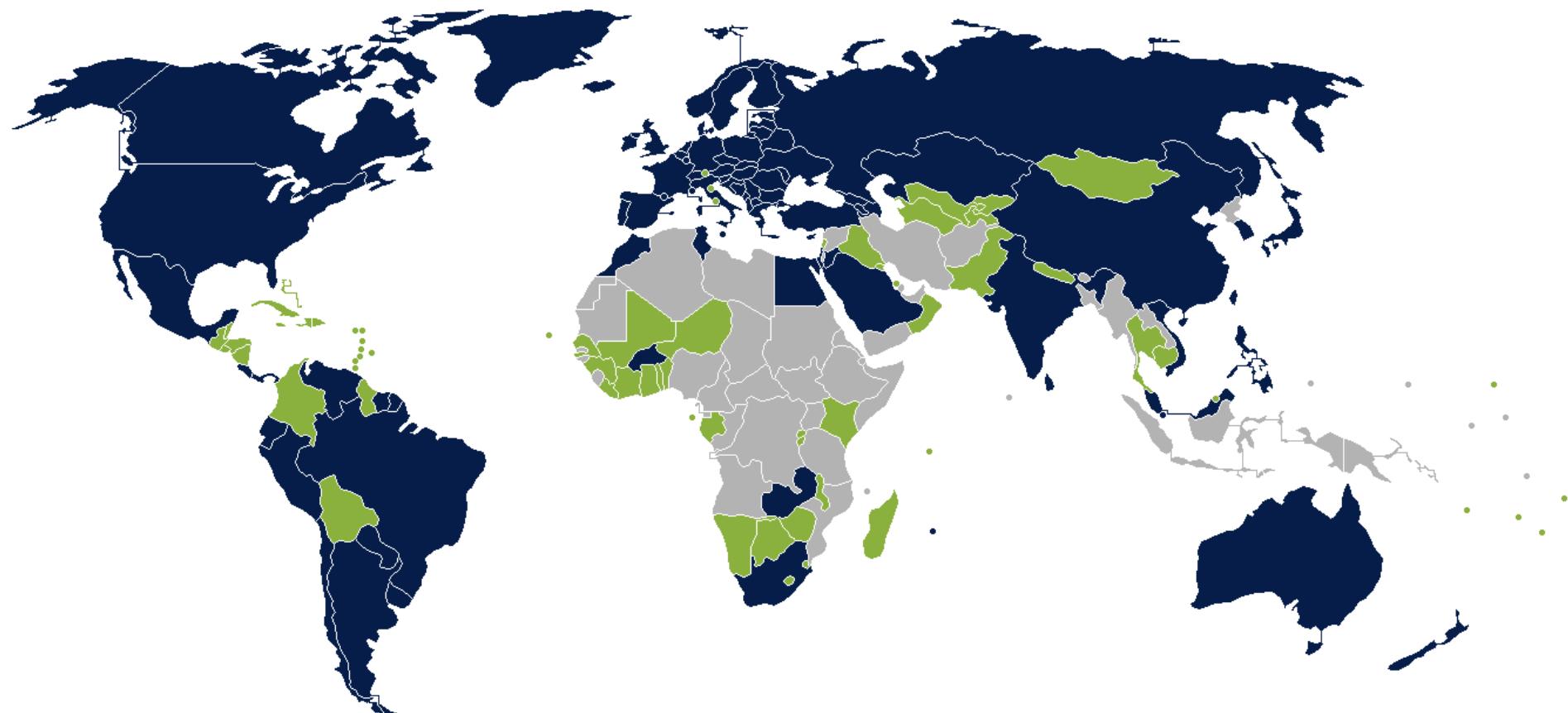
*Hondura*

## ■ Member State

NB: Boundaries on this map are based upon those used by the UN Cartographic Section. The number of States reflects the Parties as recorded by the Depositary (NL MFA). Neither should be taken to imply official endorsement or acceptance.

# 152 States/Parties “Connected” to the HCCH

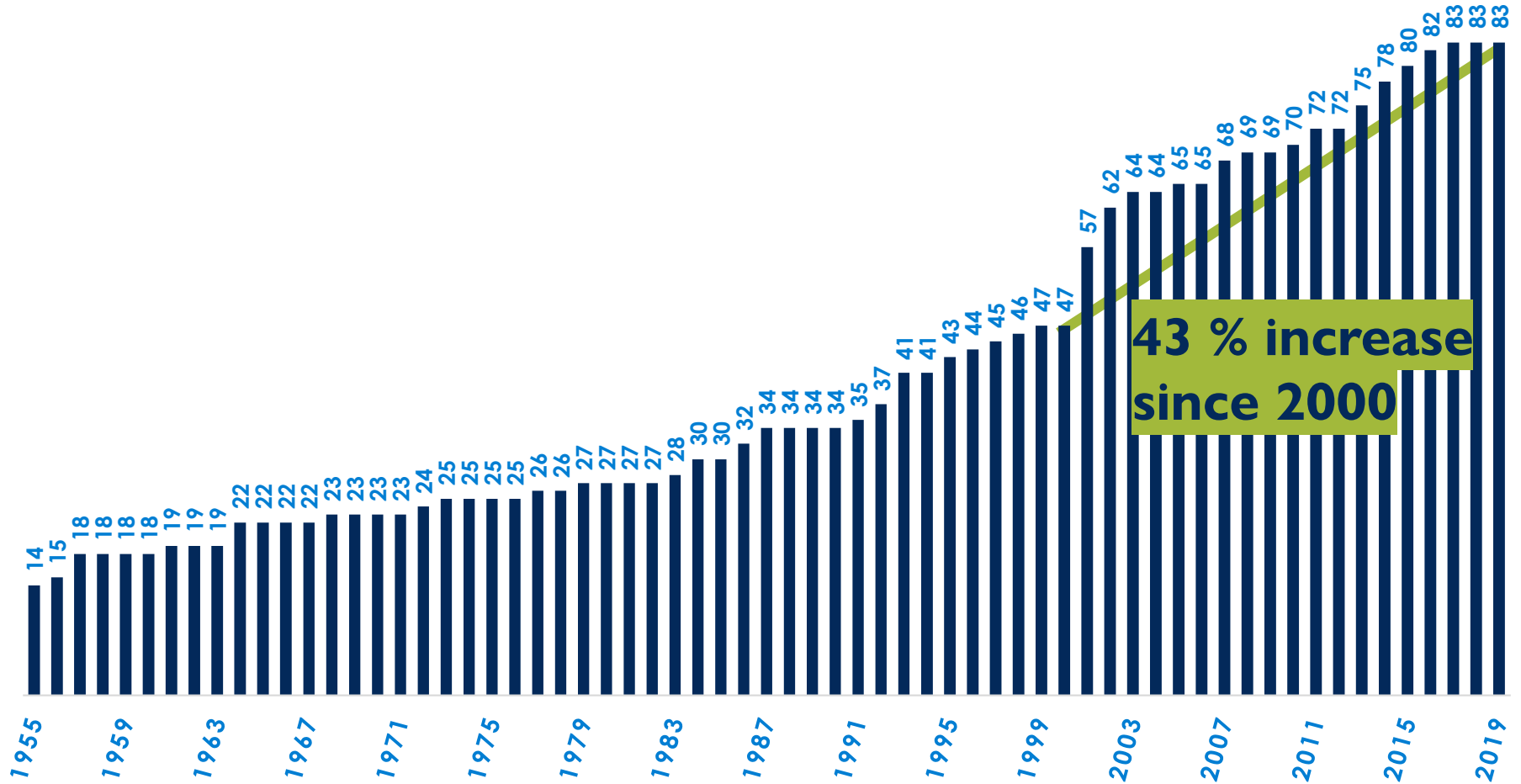
A “Connected” State or Party is either a Member State (incl. candidate and admitted States) or a Contracting Party to one or more of the HCCH Conventions



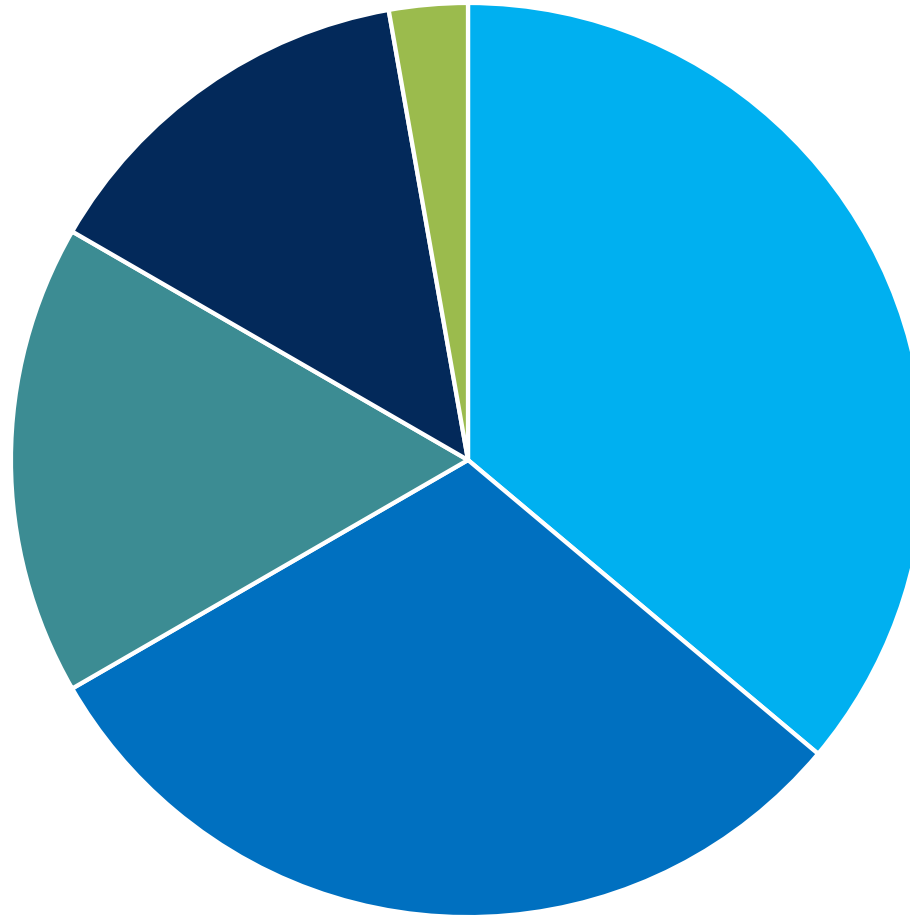
■ Member of the HCCH (82 States + EU)

■ Non-Member, party to at least one HCCH Convention (70)

# Membership Growth



# 36 new Members since 2000

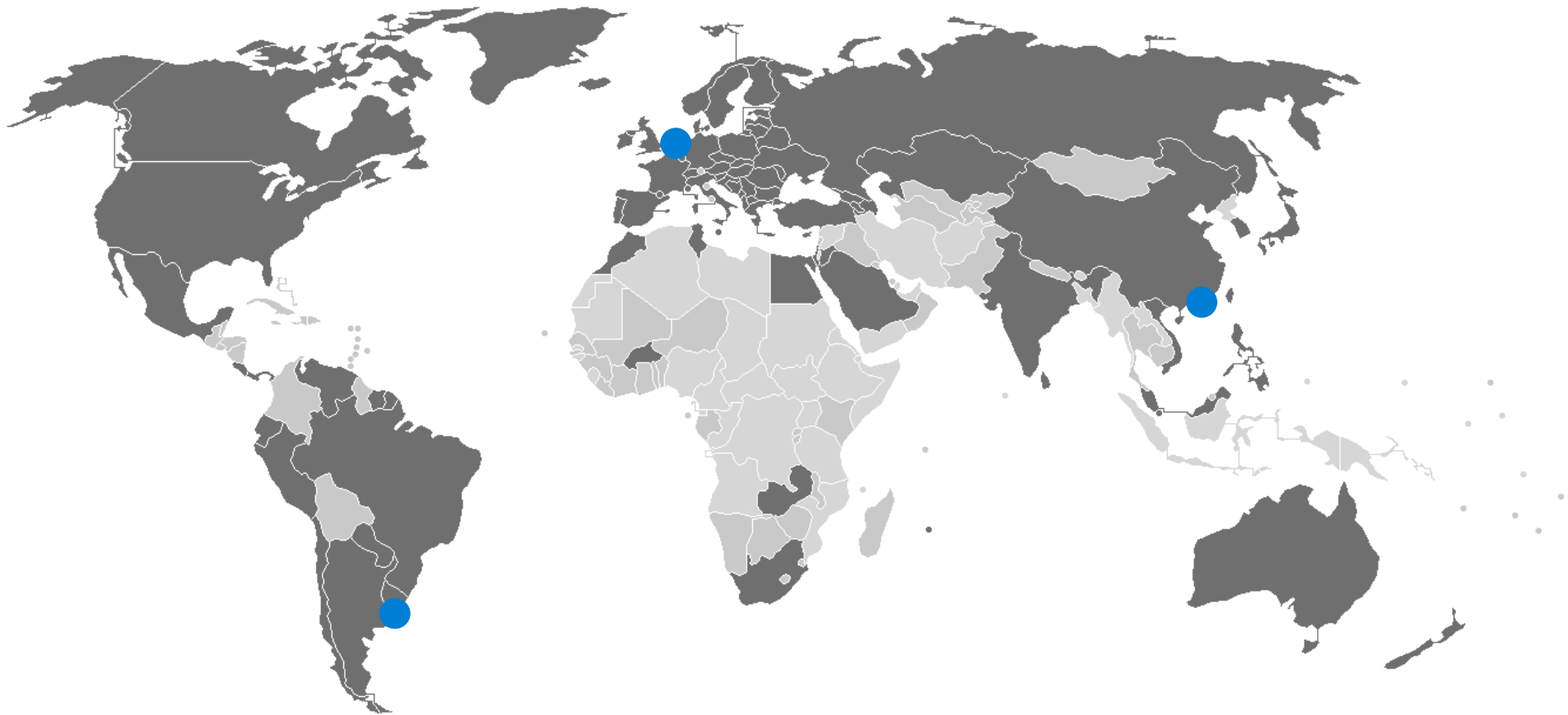


■ Asia (13) ■ Europe (11) ■ Americas (6) ■ Africa (5) ■ Oceania (1)

# Brazil and the HCCH

- HCCH Member since 23 February 2001
- Contracting Party to 7 Conv's and 1 Protocol:
  - 1961 Apostille Convention  
(entered into force for Brazil in 2016)
  - 1965 Service Convention  
(entered into force for Brazil in 2019)
  - 1970 Evidence Convention  
(entered into force for Brazil in 2014)
  - 1980 Child Abduction Convention  
(entered into force for Brazil in 2000)
  - 1980 Access to Justice Convention  
(entered into force for Brazil in 2012)
  - 1993 Intercountry Adoption Convention  
(entered into force for Brazil in 1999)
  - 2007 Child Support Convention  
(entered into force for Brazil in 2017)
  - 2007 Protocol on Law Applicable to Maintenance Obligations  
(entered into force for Brazil in 2017)

# Universal Mandate – Regional Presence



**Latin America Regional  
Office**  
*Buenos Aires (2005)*

**Main Office of the Permanent  
Bureau**  
*The Hague*

**Asia Pacific Regional  
Office**  
*Hong Kong (2012)*



1893



1951



1999



2018



2019



# HCCH Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

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## Family & Child Protection Law

Child Abduction  
Adoption  
**Child Protection**  
Child Support  
Protection of Adults

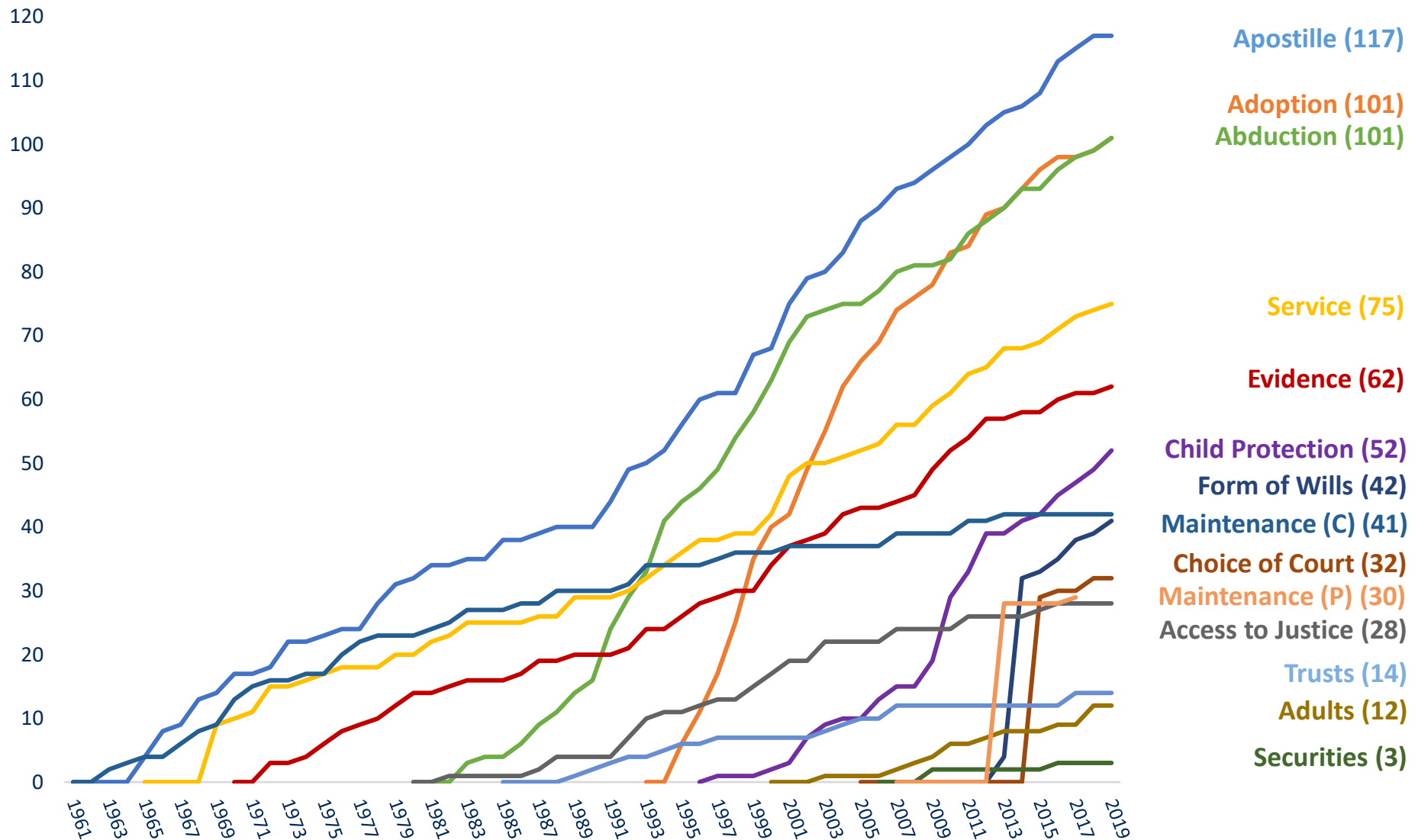
## Civil procedure & Recognition of documents

Form of Wills  
Apostille  
Service  
Evidence  
Access to Justice  
**Choice of Court**  
**Judgments**

## Commercial & Financial Law

Trusts  
Securities  
**Choice of Law**

# Number of Contracting Parties (incl. REIOs) to the Core HCCH Conventions







# HCCH | Building bridges

# Benefits of HCCH Conventions

One global legal framework

Legal certainty and  
predictability

Effective cross-border  
cooperation

Access to justice for all

Trade, commerce and  
foreign direct investment

Giving effect to  
human rights

Foundation for  
effective capacity building

No need to  
“reinvent the wheel”

Flow-on  
effects



# 933

**Ratifications / Accessions / Approvals**

**of HCCH Conventions so far**

**(instances where an HCCH Conv brought into force in a State / Contracting Party)**

**would require**

# 28,376

**Bilateral Agreements**

**to achieve same “network” of treaty relations**



# Developing... and following-up



## NORMATIVE WORK

### Research

*(identifying other legal needs within mandate)*

### Proposals

*(for new instruments)*

### Experts Discussion & Negotiation; Diplomatic Session

*(drafting process leading to new instruments: Conventions, Protocols, soft law)*

### Promotion

*(of HCCH / its instruments)*

### Monitoring

*(Special Commissions on practical operation)*

### Publications

*(Guides to Good Practice, Handbooks, etc.)*

### Post-Convention Assistance

*(implementation & practical operation;  
priority given to Members)*

## POST- CONVENTION WORK

# Nomenclature of the HCCH...

- HCCH – Diplomatic Sessions
- Council on General Affairs and Policy (CGAP)
- Council of Diplomatic Representatives (CDR)
  - Standing Committee of the CDR
- Special Commissions
  - Normative (developing new instruments)
  - Post-Convention (reviewing practical operation of existing instruments)
- Working Groups & Experts' Groups

# Strategic Challenges of HCCH (“reality check”)

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## Universality & Inclusiveness

Strategic Plan 2019-2022



## Small Organisation

Both in terms of human & financial resources:  
approx. 30 FTEs,  
Budget of approx. € 4.2 Mio

# The HCCH in action



## At the Permanent Bureau

- Smaller context for Experts' & Working Groups (both normative and non-normative work, incl. good governance), Standing Committee or informal meetings



## At the Hague Academy Building (Peace Palace)

- Larger context for *plenary-style* meetings:
  - Diplomatic Sessions
  - Council on General Affairs and Policy
  - Council of Diplomatic Representatives (incl., in principle, Standing Committee)
  - Special Commissions

*International co-operation and **consensus** across all HCCH Meetings!*



# Dr Christophe Bernasconi

## Secretary General

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