



The future of Private International Law and the challenges to The Hague Conference on Private International Law within the next 25 years

A survey conducted jointly by ASADIP and the Regional Office of The HCCH for Latin America and the Caribbean

Final Report

1. Introduction

Within the last semester of 2017 and the first quarter of 2018, the Hague Conference on Private International Law (HCCH), in cooperation with the American Association of International Private Law (ASADIP), has conducted a survey in order to learn the opinion of the Members of ASADIP regarding the future of Private International Private Law and the challenges to be faced by the HCCH within the next 25 years.

The survey was undertaken through two questionnaires: i) the first questionnaire (which is included as Annex 2), required Members to list the topics that they considered to be the most relevant ones for the approach of each of the central themes that had been identified (I. General challenges for PIL, II. International Family Law and Child Protection, III. International Commercial and Financial Law, IV. International Legal Cooperation and International Civil Procedure, and V. Role and operation of the HCCH). From the 38 answers received¹, 70 topics suggested by the Members were identified as especially relevant to be approached in the short, medium and long term, 10 challenges for the future work of the HCCH, 8 improvements the HCCH could make to its current way of working, and 10 actions that the HCCH and ASADIP could undertake jointly in order to address the new challenges for PIL; ii) the second questionnaire (which is included as Annex 3), based on the 98 topics, challenges and actions previously identified by the Members by means of the first questionnaire, required the Members to assign a level of priority to these topics, challenges and actions according to the urgency with which they ought to be addressed (high priority, priority, non-priority or not recommended). An order of priority was then established in accordance with the 50 answers received².

In order to convey the result of the survey as clearly and briefly as possible, two reports were developed. The first one, which is presented below, establishes the three topics which received the largest number of answers³ within each of the main themes and their order of priority in the combination of the "short term" and "high priority" categories. The understanding is that, according to the Members, these topics should be given the highest priority and be treated immediately. The second report (which is included as Annex 1) is more comprehensive⁴ and, in addition to the information provided in the first report, presents the leading three topics that were assigned the categories "high priority" and "priority" in the short, medium and long term.

¹ From 11 countries (10 from Argentina, 8 from Brazil, 4 from Mexico, 4 from Venezuela, 3 from Uruguay, 2 from Paraguay, 2 from the United States of America, 1 from Bolivia, 1 from Colombia, 1 from Cuba, 1 from El Salvador, and 1 from Spain).

² From 10 countries (13 from Argentina, 10 from Brazil, 9 from Venezuela, 5 from the United States of America, 2 from the United Kingdom, 2 from Uruguay, 2 from Cuba, 1 from El Salvador, 1 from Chile, and 1 from Colombia).

³ The following percentages were obtained from the total number of answers received for each question, since some Members decided not to answer every question.

⁴ This document reports only on 85% of the total number of answers received, since the remaining 15% of the answers were assigned to the categories "low priority", "non-priority", and "non-recommendable".

2. Report on the topics that have been considered to be addressed under “high priority” basis in the short term



General challenges of PIL

- 1 International legal co-operation (88%)**
Increasing its development to achieve more coordination between systems and applying new tools / technologies to improve their effectiveness
- 2 New technologies (1) (58%)**
i) addressing the challenges posed by new technologies (matters resulting from the use of new technologies applied in the fields of biomedicine, information and communication)
ii) identifying the influence of new technologies on the main areas of PIL
- 3 Effective access to justice (52%)**
Continuing the work to ensure the widest possible application of this human right, especially when dealing with matters related to jurisdiction, international judicial co-operation and the effectiveness of judgments



International Commercial and Financial Law

- 1 E-commerce – (B2B and B2C) (55%)**
Harmonisation of jurisdiction and applicable law
- 2 On-line dispute resolution (51%)**
Especially, in the e-commerce and the consumer relations fields
- 3 Personal data protection (44%)**
Exploring a possible harmonisation of jurisdiction and applicable law



International Family Law and Children Protection

- 1 Co-operation between Central Authorities designated in the Child Protection Conventions (67%)**
Increasing the effectiveness and ensuring swift co-operation
- 2 International Child Protection Conventions (2) (65%)**
Assistance in the effective implementation of the Conventions (e.g., technical assistance to States, training to the judiciary, internal action protocols, procedural rules)
- 3 Child Abduction (56%)**
Working to avoid procedural delays and harmonising the interpretation criteria and the implementation of exceptions provided for in the Conventions



Legal Cooperation and International Civil Procedure

- 1 Implementation of new technologies (78%)**
Promoting their implementation to the largest extent possible (e.g. long-distance or joint hearings, service and taking of evidence by electronic means, etc.), with the aim of bestowing more agility and effectiveness on the existing judicial cooperation rules
- 2 Recognition and enforcement of decisions (74%)**
Promoting the concretion of the recognition and enforcement of the Judgments Project which is currently being developed by the HCCH
- 3 ASADIP Principles on Transnational Access to Justice (66%)**
Promoting its implementation in regional and global forums



What are the main challenges that the HCCH will have to face in the next decade?

- 1 Working on the dissemination of its work to bring it closer to other actors (58%)
- 2 Achieving a larger number of ratifications and accessions to the Hague Conventions (58%)
- 3 Monitoring and supervision of the implementation of Hague Conventions (54%)

What would you like to change about the way in which the HCCH develops its work nowadays?

- 1 Developing more long-distance work to facilitate the specialists' involvement (64%)
- 2 Emphasising post-Convention services, with the aim of contributing to the incorporation and effective implementation and operation of Hague instruments in national law (55%)
- 3 Giving Spanish official language status (44%)

How can ASADIP and the HCCH develop cooperation in order to deal with the new challenges of PIL?

- 1 Increasing the participation of ASADIP in HCCH meetings (64%)
- 2 Creating an online searchable library (62%)
- 3 Contributing to the development of post-Convention services in the region (e.g., training of actors, legislative reforms, etc.) (58%)

3. Preliminary observations

Without intending to conduct a thorough analysis of the results of the survey, some preliminary observations are presented below with regard to the first report on the topics that received the largest number of answers and were considered to be of "high priority" in the "short term".

3.1 "High priority" topics (over 70% of the answers)

- **International Legal Cooperation (88%).** Developing international legal cooperation between different legal systems and applying new resources and technologies in order to enhance their effectiveness.
- **Implementation of New Technologies (78%).** Promoting the implementation of new technologies to the largest extent possible (e.g., remote or in-site hearings, notifications and taking of evidence by electronic means, electronic letters of request, etc.) in order to render existing rules on legal cooperation more swift and effective.
- **Recognition and Enforcement of Judgments (74%).** Promoting the finalization of the work on the Judgments Project currently underway within the HCCH.

3.2 Some trends

- The use of **new technologies** was pointed out by several States due to its relevance and as a source of new challenges (because of its application in commerce, biotechnology, dispute resolution, etc.), as well as as a useful tool to optimize the operation of existing Hague Conventions (especially those establishing administrative and judicial cooperation mechanism).
- **International legal cooperation** was also pointed out in several occasions throughout the questionnaire. The topics assigned the highest priority (over 65%)

were the ones related to international legal cooperation, which confirms its increasing relevance during the last decades and predicts that this trend will continue to develop as a key element to addressing international cases.

- **Effective access to justice** as a fundamental human right seems to be increasingly guiding PIL. This trend is further confirmed by the importance assigned by the Members to the effective implementation of the Conventions, the effective operation of legal cooperation structures, the recognition of foreign decisions, and to the “ASADIP Principles to Access Transnational Justice”.

3.3 Challenges of The Hague Conference on Private International Law (HCCH)

- The Members mainly pointed out the importance of: **disseminating the work of the HCCH, gaining the largest possible number of ratifications/accessions to the instruments, monitoring their operation, and contributing to their implementation**. In other words, the Members have requested the focus to be on post-Convention services rather than on the development of new instruments.
- Regarding the way of working, the Members have set their priorities on: i) **increasing remote work**, in order to facilitate the involvement of specialists in all the areas of work, and ii) focusing on post-Convention services, in order to achieve an effective application of Hague instruments.

3.4 Promotion of the HCCH-ASADIP Co-operation

- The Members pointed out the importance of **increasing the involvement of ASADIP in HCCH meetings (64%)**
- The Members proposed the following: i) **creating an online-library** (62%), and ii) **contributing to the development of regional post-Convention services** (e.g., to contribute in trainings and legislative reforms, etc.) (58%)

Annex 1

This report shows, the three topics that received the largest number of answers in the short, medium and long term in the categories "high priority" and "priority"



General challenges of PIL

SHORT TERM		MEDIUM TERM		LONG TERM	
HIGH PRIORITY					
1	International legal co-operation (88%) <i>Increasing its development to achieve more coordination between systems and applying new tools / technologies to improve their effectiveness</i>	Uniform interpretation (56 %) <i>Developing principles for the uniform interpretation of international instruments</i>	International private situations in confrontation scenarios (60%) <i>Contributing to solve the problems presented by private international situations in confrontation scenarios: migratory flows, conflict of civilizations, global economic integration, sustainable, inclusive and intelligent development</i>		
2	New technologies (1) (58%) <i>i) addressing the challenges posed by new technologies (matters resulting from the use of new technologies applied in the fields of biomedicine, information and communication)</i> <i>ii) identifying the influence of new technologies on the main areas of PIL</i>	The incorporation of international Conventions into national law (44%) <i>Promoting ratifications and accessions</i>	Materially oriented regulations (46%) <i>Contributing to the improvement of living standards by regulating international situations on the basis of the justice, legal certainty, and the protection of the most vulnerable groups</i>		
3	Effective access to justice (52%) <i>Continuing the work to ensure the widest possible application of this human right, especially when dealing with matters related to jurisdiction, international judicial co-operation and the effectiveness of judgments</i>	Multiplicity of national systems of PIL (22%) <i>Seeking a better understanding of the systems, following their development and facilitating coordination between them</i>	Consumers and small and medium-sized enterprises (34%) <i>The promotion of integration policies for consumers and small and medium-sized enterprises in the Public International Law field</i>		

SHORT TERM			MEDIUM TERM			LONG TERM		
PRIORITY								
1	Overlap and fragmentation of rules (57%) <i>Exploring ways to solve potential problems</i>			Successions (57%) <i>Addressing the issue of applicable law and jurisdiction of intestate succession multilaterally</i>			Competition law and intellectual property (56%) <i>Exploring their regulation from the PIL perspective</i>	
2	Variety in approaches (44%) <i>Greater openness and flexibility in terms of the approaches taken to regulate the new realities and challenges faced by a global society (e.g., using flexible connection points for 'hard-law' instruments, developing 'soft-law' instruments and/or materially oriented solutions, as</i>			Multiplicity of national systems of PIL (53%) <i>Seeking a better understanding of the systems, following their development and facilitating coordination between them</i>			Consumers and small and medium-sized enterprises (50%) <i>The promotion of integration policies for consumers and small and medium-sized enterprises in the Public International Law field</i>	

	<i>appropriate, to regulate a certain issue)</i>		
3	Raising awareness of and training on PIL (42%) <i>Raising awareness of its utility and the need for development in the academic, professional, administrative, judicial and legislative fields. Promoting further training for the judiciary</i>	The incorporation of international Conventions into national law (50%) <i>Promoting ratifications and accessions</i>	Materially oriented regulations (46%) <i>Contributing to the improvement of living standards by regulating international situations on the basis of the justice, legal certainty, and the protection of the most vulnerable groups</i>



International Family Law and Children Protection

SHORT TERM MEDIUM TERM LONG TERM			
HIGH PRIORITY			
1	Co-operation between Central Authorities designated in the Child Protection Conventions (67%) <i>Increasing the effectiveness and ensuring swift co-operation</i>	Child trafficking (56%) <i>Addressing child trafficking and the link between migrant children, child trafficking, forced labour on children, and return mechanisms</i>	Harmonisation of procedural law (56%) <i>Evaluating the treatment of procedural issues in order to facilitate coordination among the legal systems involved</i>
2	International Child Protection Conventions (2) (65%) <i>Assistance in the effective implementation of the Conventions (e.g., technical assistance to States, training to the judiciary, internal action protocols, procedural rules)</i>	Human rights and PIL (54%) <i>Harmonisation between the enforcement of the conventions on family rights and child protection, human rights conventions, and decisions of regional human rights courts</i>	Surrogacy (40%) <i>Continuing work related to determining the need and viability of developing 'hard law' instruments</i>
3	Child Abduction (56%) <i>Working to avoid procedural delays and harmonising the interpretation criteria and the implementation of exceptions provided for in the Conventions</i>	INCADAT (43%) <i>Continuing developing the database on international child abduction and considering expanding it to cover other areas (e.g., maintenance)</i>	Freedom of choice (35%) <i>Addressing the issue of freedom of choice in family law and child protection matters, of both adults and children (the right to be heard), by studying of the substantial and procedural mechanisms that allow its materialisation</i>

SHORT TERM MEDIUM TERM LONG TERM			
PRIORITY			
1	Maintenance (46%) <i>Promoting the 2007 Convention so that more States incorporate it into national law</i>	INCADAT (45%) <i>Continuing developing the database on international child abduction and considering expanding it to cover other areas (e.g., maintenance)</i>	New family forms (31%) <i>Addressing new family forms (de facto cohabitation, same sex marriage, adoption by same sex couples). Discussion on the effect of broadening the concept of family in PIL</i>
2	Recognition and enforcement of voluntary agreements (44%) <i>Continuing the work related to determining the need and the viability</i>	Cohabitation outside marriage (45%) <i>Approaching the issue</i>	Conflicts between cultures (29%) <i>The interaction between the different cultures coexisting in the American continent. Multidisciplinary approach to conflicts between cultures (native indigenous peoples vs. people with an</i>

3	Society groups (49%) <i>Guidelines for the regulation of the operation of society groups against the rules governing free competition in domestic and international markets</i>	Disputes deriving from transfers by IT resources (41%) <i>Approaching the issue</i>	Financial services (1) (52%) <i>Establishing applicable law and jurisdiction in financial transactions developed via electronic platforms at the international level</i>
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**Legal Cooperation and
International Civil Procedure**

<div> <div>SHORT TERM</div> <div>MEDIUM TERM</div> <div>LONG TERM</div> </div>			
HIGH PRIORITY			
1	Implementation of new technologies (78%) <i>Promoting their implementation to the largest extent possible (e.g. long-distance or joint hearings, service and taking of evidence by electronic means, etc.), with the aim of bestow more agility and effectiveness on the existing judicial cooperation rules</i>	Access to foreign law (48%) <i>Encouraging its enforcement</i>	Preventive measures (58%) <i>Developing international cooperation mechanisms for their effective global implementation</i>
2	Recognition and enforcement of decisions (74%) <i>Promoting the concretion of the recognition and enforcement of judgments project which is currently being developed by HCCH</i>	Positive (lis pendens) and negative (denial of justice) conflicts of competence (39%) <i>Addressing these issues with the aim of providing access to the jurisdiction and an effective judicial protection</i>	Recognition and Enforcement of judgments (1) (52%) <i>Development of a digital platform to facilitate its spread</i>
3	ASADIP Principles on Transnational Access to Justice (66%) <i>Promoting its implementation in regional and global forums</i>	Monitoring of the operation of the Conventions (35%) <i>Continuous supervision of the different conventions on the field, seeking the implementation of the necessary mechanisms to improve their operation (e.g. domestic regulations, coordination of actions between internal and international authorities intervening in procedures, networking, concentration of jurisdiction)</i>	Recognition and Enforcement of judgments (2) (46%) <i>Developing a database to establish the reasons why a sentence is not recognised or enforced in the countries that are parties to the conventions on this matter</i>

<div> <div>SHORT TERM</div> <div>MEDIUM TERM</div> <div>LONG TERM</div> </div>			
PRIORITY			
1	Judicial assistance in the international commercial arbitration (48%) <i>Establishing the arbitrators' jurisdiction and the available cooperation mechanisms</i>	Respect to party autonomy (53%) <i>Encouraging the respect of the jurisdiction clauses and the submission to arbitration and conflict resolution</i>	Recognition and Enforcement of judgments (2) (46%) <i>Developing a database to establish the reasons why a sentence is not recognised or enforced in the countries that are parties to the conventions on this matter</i>
2	Alternative Dispute Resolution Methods (44%) <i>Coordinating the judicial cooperation that encourages these methods'</i>	Monitoring of the operation of the Conventions (47%) <i>Continuous supervision of the different conventions on the field,</i>	Creation of a common judicial space (41%)

	<i>implementation with the support and control that must be provided by state jurisdictions</i>	<i>seeking the implementation of the necessary mechanisms to improve their operation (e.g. domestic regulations, coordination of actions between internal and international authorities intervening in procedures, networking, concentration of jurisdiction)</i>	<i>Modelling the European experience and working for its global development</i>
3	2005 Convention on Choice of Court (39%) <i>Promoting its accession or ratification</i>	Positive (lis pendens) and negative (denial of justice) conflicts of competence (43%) <i>Addressing these issues with the aim of providing access to the jurisdiction and an effective judicial protection</i>	Recognition and Enforcement of judgments (1) (38%) <i>Development of a digital platform to facilitate its spread</i>



HCCH Role and Function

What are the main challenges that will have to face the HCCH in order to provide its services in the next decade?

	HIGH PRIORITY	PRIORITY
1	Working on the dissemination of the HCCH work to bring it closer to other actors (58%)	Carry out work with parties belonging to other international organizations (59%)
2	Achieving a larger number of ratifications and accessions to the Conventions drawn by the HCCH (58%)	Developing work with non-state participants (58%)
3	Monitoring and supervision of the implementation of Hague Conventions (54%)	Identifying new topics (56%)

What would you like to change about the way the HCCH develops its work nowadays?

	HIGH PRIORITY	PRIORITY
1	Developing more long-distance work to facilitate the specialists' involvement (64%)	Emphasising the legislative work, with the aim of producing international instruments that harmonise the PIL rules more frequently (70%)
2	Emphasising the post-Convention services, with the aim of contributing to the incorporation and effective implementation and operation of the HCCH instruments in the internal legislation of the countries (55%)	Providing updated information by means of periodical publications that can be circulated through a free subscription via email (54%)
3	Addition of the Spanish language (44%)	Providing training via video conference with support from the state actors (52%)

How can ASADIP and HCCH develop cooperation in order to deal with the new challenges of PIL?

	HIGH PRIORITY	PRIORITY
1	Increase the participation of ASADIP in HCCH meetings (64%)	Contribute to the development of feasibility studies on the new identified topics (49%)

2	Create a library that can be searchable on the Internet (62%)	Promote the integration between the different academies and international law associations in the continent (46%)
3	Contribute to the development of post-Convention services in the region (e.g. training of actors, legislative reforms, etc.) (58%)	Establishing formal agreements with ASADIP with the aim of allocating each conference the task of making recommendations on PIL (like those from the Institute of International Law) (43%)

Annex 2

Cuestionario sobre los desafíos del Derecho Internacional Privado (DIPr) y la Conferencia de La Haya (HCCH) para los próximos 25 años

Questionnaire on the challenges of Private International Law (PIL) and the Hague Conference (HCCH) for the next 25 years



Objetivos y plazo

El próximo año la HCCH cumple 125 años, y además de celebrar el acontecimiento, se ha propuesto reflexionar sobre su estrategia de trabajo para los próximos 25 años, a fin de ajustarla a las necesidades que se identifiquen en la sociedad global.

En función de lo anterior, la HCCH se ha planteado desarrollar una serie de actividades a nivel regional y global, de manera de recabar la opinión de los expertos en la materia. En América Latina y el Caribe, la HCCH ha solicitado la cooperación de la ASADIP para realizar un ejercicio de consulta con sus miembros, con el propósito de incorporar sus opiniones como insumo para el citado proceso.

A tales efectos, la HCCH y la ASADIP han preparado el cuestionario que se presenta a continuación, invitando a todos los miembros a completarlo y enviar sus respuestas antes del próximo 08 de noviembre de 2017.

Procesamiento de las respuestas y generación de informe

1. La oficina regional de la HCCH para América Latina y el Caribe (ROLAC), se ocupará de procesar las respuestas y de generar un informe preliminar sobre las mismas.
2. Dicho informe preliminar será presentado para su discusión en la Asamblea de Miembros de la ASADIP, que tendrá lugar el próximo 11 de noviembre en la ciudad de Bogotá, en el marco de las XI Jornadas anuales.
3. El propósito de la discusión será intercambiar ideas sobre las propuestas realizadas, y consolidar un informe final que será presentado como insumo de la ASADIP en el Seminario internacional que se celebrará en Hong Kong, entre el 18 y el 20 de abril de 2018.
4. El referido informe final será publicado en el sitio web de la ASADIP (www.asadip.org), de manera que pueda ser consultado por todos los miembros interesados.

Precisiones para responder el cuestionario

El cuestionario se divide en cinco partes, el DIPr en general, las tres principales áreas de trabajo de la HCCH (Derecho Internacional de la Familia y la Protección de los Niños, Derecho Comercial y Financiero Internacional, y Cooperación Jurídica y Proceso Civil Internacional), y la parte de desarrollo/revisión institucional (incluyendo la futura cooperación entre la HCCH y la ASADIP).

Los miembros están invitados a responder todas las preguntas, o limitarse a las que resulten de su particular interés. A su vez, en las preguntas temáticas, se les invita a realizar un máximo de tres sugerencias, que están divididas en corto, mediano y largo plazo.

A los efectos de facilitar el procesamiento de las respuestas, en los campos previstos para las sugerencias se ofrece un máximo de 600 caracteres. Finalmente, se aclara que las sugerencias se pueden referir tanto a la profundización de temas que ya han sido abordados en alguna medida y/o a otros que aún no hayan sido abordados (ya sea por la HCCH u otro foro internacional).

Objectives

Next year, the HCCH turns 125 years old, and in addition to celebrating the event, it has proposed to reflect on its work strategy for the next 25 years, in order to adjust it to the needs to be identified in the global society.

In light of the above, the HCCH has considered developing a series of activities at regional and global level, in order to seek the opinion of experts on the field. In Latin America and the Caribbean, the HCCH has requested the cooperation of ASADIP (American Association of Private International Law) to carry out a consultation with its members, with the purpose of incorporating their opinions as an input for the aforementioned process.

To that end, HCCH and ASADIP have prepared the following questionnaire, so that all members can complete it and submit their responses by November 8th, 2017.

Process of responses and reporting

1. The Regional Office of the HCCH for Latin America and the Caribbean (ROLAC) will be responsible for the processing of responses and development of a preliminary report.
2. The preliminary report will be presented for discussion at the ASADIP Members' Meeting, which will take place on November 11th in the city of Bogotá, within the framework of the XI Annual Conference.
3. The purpose of the discussion will be to exchange ideas on the proposals made and to consolidate a final report that will be presented as an input of ASADIP at the International Seminar to be held in Hong Kong from April 18th and 20th, 2018.
4. The final report will be published on the ASADIP website (www.asadip.org) to be available for consultation by all interested members.

Details for answering the questionnaire

The questionnaire is divided into five parts, PIL in general, the three main areas of work of the HCCH (International Family Law and Children Protection, International Commercial and Financial Law, and Legal Cooperation and International Civil Procedure) and institutional review and development (including future cooperation between HCCH and ASADIP).

Members can answer all questions, or answer those of their particular interest. In the thematic questions section, members can make a maximum of three suggestions, which are divided into short, medium and long term.

In order to facilitate the processing of the answers, a maximum of 600 characters are offered in the sections provided for the suggestions.

Lastly, the suggestions can refer both to further development of issues that have already been addressed to some extent and / or to others that have not yet been addressed (either by the HCCH or other international forum).

If you have any questions, please contact us at rolac@hcch.nl or secretaria@asadip.org

HCCH and ASADIP thank you in advance for your cooperation.

CUESTIONARIO HCCH - ASADIP (Oct-Nov 2017)

Los campos marcados con * son obligatorios

La HCCH (ROLAC) y la ASADIP se comprometen, como responsables de los datos e información personal suministrados en el siguiente cuestionario, a mantenerlos bajo control y protección, y no compartir o divulgar los mismos. Las respuestas serán procesadas sin mención ni conexión con los datos e información personal que haya decidido colocar el participante en el cuestionario.

Sin embargo, la solicitud de datos e información personal de los miembros en el siguiente cuestionario permitirá a la HCCH (ROLAC) y a la ASADIP contar con una base de datos de miembros interesados en colaborar, a los fines de su posible convocatoria en proyectos y actividades que desarrollan ambas organizaciones.

As responsible for the data and personal information provided in the following questionnaire, the HCCH (ROLAC) and ASADIP undertake to keep them under control and protection, and not to share or disclose them. Answers will be processed without mention or connection with the data and personal information that the member has added on the questionnaire.

However, the request for data and personal information of members in the following questionnaire will allow the HCCH (ROLAC) and ASADIP to have a database of members interested in collaborating, for the purpose of prospective participation in projects and activities to be developed by both organizations.

☐ Acepto la política de uso de datos señalada - I accept the indicated use of data policy *

Fecha - Date *

09/03/2018

Primer Nombre - First Name

Apellido - Surname

País - Country *

Antigua y Barbuda

Ciudad - City *

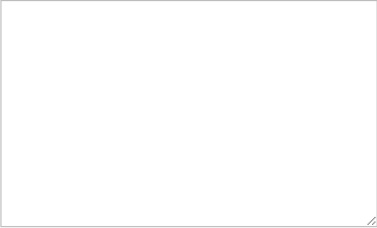
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Universidad / Institución / Organización - University / Institution / Organization

I. Desafíos generales del DIPr - General challenges of PIL

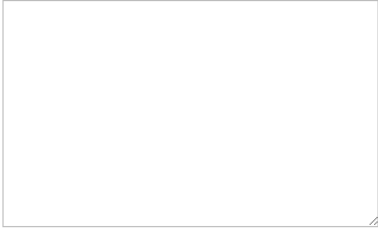
¿Cuáles considera que son los principales desafíos del DIPr? - What do you consider to be the main challenges of PIL?

Corto Plazo - Short Term (I)



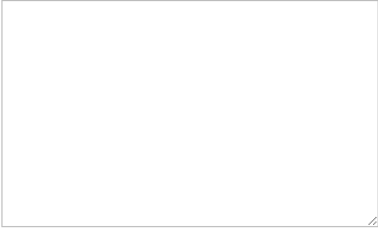
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Mediano Plazo - Medium Term (I)



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Largo Plazo - Long Term (I)

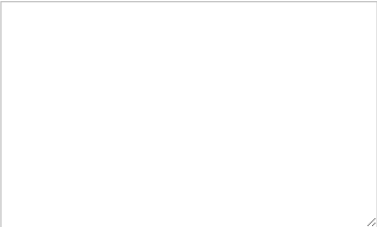


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II. Derecho Internacional de la Familia y la Protección de los Niños - International Family Law and Children Protection

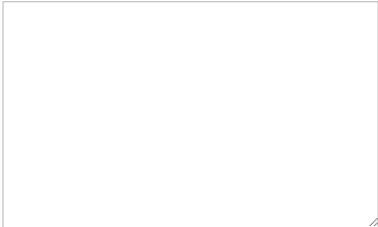
¿Cuáles considera que son los temas que deberían ser abordados o profundizados? - What topics should be addressed or deepened?

Corto Plazo - Short Term (II)



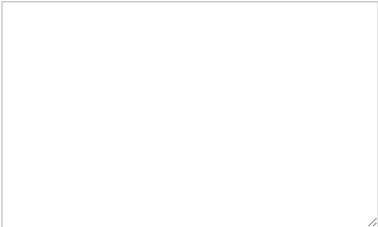
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Mediano Plazo - Medium Term (II)



600 of 600 Caracteres restantes - Characters remaining

Largo Plazo - Long Term (II)

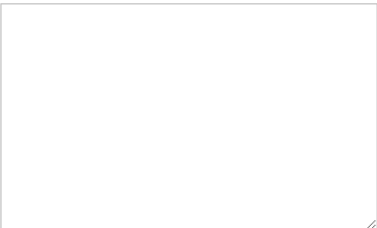


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III. Derecho Comercial y Financiero Internacional - International Commercial and Financial Law

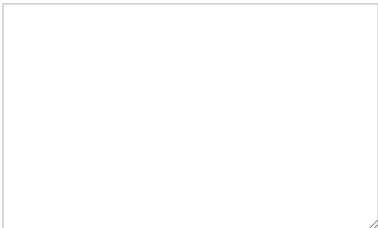
¿Cuáles considera que son los temas que deberían ser abordados o profundizados? - What topics should be addressed or deepened?

Corto Plazo - Short Term (III)



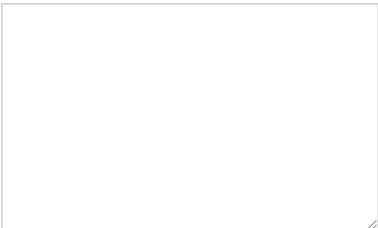
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Mediano Plazo - Medium Term (III)



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Largo Plazo - Long Term (III)

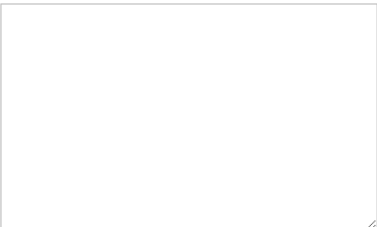


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IV. Cooperación Jurídica y Proceso Civil Internacional - Legal Cooperation and International Civil Procedure

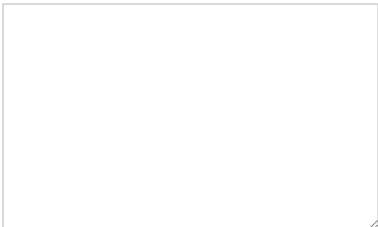
¿Cuáles considera que son los temas que deberían ser abordados o profundizados? - What topics should be addressed or deepened?

Corto Plazo - Short Term (IV)



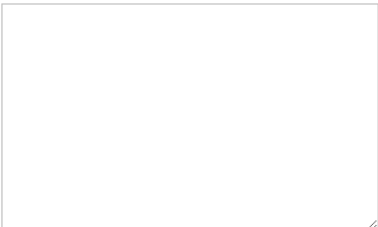
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Mediano Plazo - Medium Term (IV)



600 of 600 Caracteres restantes - Characters remaining

Largo Plazo - Long Term (IV)



600 of 600 Caracteres restantes - Characters remaining

V.1. Rol y funcionamiento de la HCCH - HCCH Role and Function

¿Cuáles considera serían los principales desafíos que se le presentarán a la HCCH para poder brindar los servicios que le corresponden en la próxima década? - What are the main challenges that will have to face the HCCH in order to provide its services in the next decade?

- ☐ Trabajar a distancia incorporando las nuevas tecnologías - Working remotely incorporating new technologies
- ☐ Identificar nuevos temas - Identifying new topics
- ☐ Desarrollar trabajos con actores no-Estatales - Developing work with non-state participants
- ☐ Otros - Other (V.1)

Observaciones adicionales - Additional comments (V.1)

V.2. Rol y funcionamiento de la HCCH - HCCH Role and Function

¿Qué cosas cambiaría de la forma de trabajo que tiene la HCCH en la actualidad? - What would you like to change about the way the HCCH develops its work nowadays?

- ☐ La dinámica de las reuniones en La Haya, promoviendo más trabajo a distancia - The dynamics of meetings in The Hague, promoting more at distance work
- ☐ La política de trabajo legislativo, a los fines de producir con más frecuencia instrumentos internacionales que armonicen las normas de DIPr - The legislative work policy, in order to produce more frequently international instruments that harmonize PIL standards
- ☐ Los servicios pos-Convenio, aumentando su oferta con el propósito de contribuir a la implementación de los instrumentos de la HCCH en los ordenamientos internos y facilitar su funcionamiento práctico y eficaz - The post-Convention services, increasing their offer in order to contribute to the implementation of the HCCH instruments in the internal regulations and facilitate their practical and effective operation
- ☐ Los idiomas de trabajo - The working languages
- ☐ Otros - Other (V.2)

Observaciones adicionales - Additional comments (V.2)

V.3. Rol y funcionamiento de la HCCH - HCCH Role and Function

¿De qué manera considera que la ASADIP y la HCCH pueden desarrollar cooperación para atender los nuevos desafíos del DIPr? - How can ASADIP and HCCH develop cooperation in order to deal with the new challenges of PIL?

- ☐ Incrementar la participación de la ASADIP en las reuniones de la HCCH - Increase the participation of ASADIP in HCCH meetings
- ☐ Ayudar con la identificación de nuevos temas - Help with the identification of new topics
- ☐ Contribuir con el desarrollo de estudios de factibilidad sobre los nuevos temas identificados - Contribute to the development of feasibility studies on the new identified issues
- ☐ Contribuir con el desarrollo de los servicios pos-Convenio en la región (eg. capacitación de actores, reformas legislativas, etc.) - Contribute to the development of post-Convention services in the region (e.g. training of participants, legislative reforms, etc.)
- ☐ Promover el desarrollo y expansión de pasantías, investigaciones y otras formas de colaboración con la Oficina Regional para América Latina y el Caribe (ROLAC) - Promote the development and expansion of internships, research and other forms of collaboration with the Regional Office for Latin America and the Caribbean
- ☐ Otros - Other (V.3)

Observaciones adicionales - Additional comments (V.3)

[Enviar cuestionario - Send Questionnaire](#)

Annex 3

HCCH – ASADIP QUESTIONNAIRE (Oct-Dec 2017)

Second stage



Welcome to the HCCH - ASADIP Questionnaire

Please note:

- You can save your response to this Questionnaire at any time by pressing the "resume later" button on the bottom left-hand corner of your screen. You will be asked to create a name and password which you will then need to re-enter when you wish to resume your response.
- If you wish to return to a previous question when completing this Questionnaire, you should press the 'previous' button at the bottom of the page and not the back button in your web browser.

Please click "Next" to begin the Questionnaire

Next →

Load unfinished survey

Exit and clear survey

HCCH – ASADIP QUESTIONNAIRE (Oct-Dec 2017)

Second stage



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Personal details

As responsible for the data and personal information provided in the following questionnaire, the HCCH (ROLAC) and ASADIP undertake to keep them under control and protection, and not to share or disclose them. Answers will be processed without mention or connection with the data and personal information that the member has added on the questionnaire.

However, the request for data and personal information of members in the following questionnaire will allow the HCCH (ROLAC) and ASADIP to have a database of members interested in collaborating, for the purpose of prospective participation in projects and activities to be developed by both organizations.

*

Choose one of the following answers

☐ I accept the indicated use of data policy

*Date:

*

First Name

Surname

Country

City

E-mail

University / Institution / Organization

← Previous

Next →

HCCH – ASADIP QUESTIONNAIRE (Oct-Dec 2017)

Second stage



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I. General challenges of PIL

What do you consider to be the main challenges of PIL?

Please qualify each of the following proposals according to the following criteria: high priority, priority, low priority, no priority, not advisable.

Short-term

	High priority	Priority	Low priority	No priority	Not advisable
Overlap and fragmentation of rules Exploring ways to solve potential problems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International legal co-operation Increasing its development to achieve more coordination between systems and applying new tools / technologies to improve their effectiveness.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New technologies (1) i) addressing the challenges posed by new technologies (matters resulting from the use of new technologies applied in the fields of biomedicine, information and communication) ii) identifying the influence of new technologies on the main areas of PIL.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New technologies (2) Implementing new technologies to expand and improve the resources of PIL.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Variety in approaches Greater openness and flexibility in terms of the approaches taken to regulate the new realities and challenges faced by a global society (e.g., using flexible connection points for 'hard-law' instruments, developing 'soft-law' instruments and/or materially oriented solutions, as appropriate, to regulate a certain issue).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Simplification of terminology and legislation Seeking the simplification of terminology and instruments in order to render them more easily understandable and applicable for the judiciary.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of foreign law Considering, among other things, i) the development of ICT platforms that improve access systems and the application of foreign law sua sponte, ii) the establishment of specialised courts to adjudicate on international cases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Raising awareness of and training on PIL Raising awareness of its utility and the need for development in the academic, professional, administrative, judicial and legislative fields. Promoting further training for the judiciary.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Effective access to justice Continuing the work to ensure the widest possible application of this human right, especially when dealing with matters related to jurisdiction, international judicial co-operation and the effectiveness of judgments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Party autonomy Encouraging party autonomy in choice of law and choice of court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Medium Term

	High priority	Priority	Low priority	No priority	Not advisable
Multiplicity of national systems of PIL Seeking a better understanding of the systems, following their development and facilitating coordination between them.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Successions Addressing the issue of applicable law and jurisdiction of intestate succession multilaterally.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The incorporation of international Conventions into national law Promoting ratifications and accessions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International governance and codification of private international property law Competition law, intellectual property. The development of non-adversarial conflict resolution mechanisms: special rules of PIL.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Uniform interpretation Developing principles for the uniform interpretation of international instruments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Long Term

	High priority	Priority	Low priority	No priority	Not advisable
Materially oriented regulations Contributing to the improvement of living standards by regulating international situations on the basis of the justice, legal certainty, and the protection of the most vulnerable groups.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumers and small and medium-sized enterprises The promotion of integration policies for consumers and small and medium-sized enterprises in the Public International Law field.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Progressive development of Public International Law Exploring alternative solutions to the progressive development of PIL, in view of the permeability with the public international law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competition law and intellectual property Exploring their regulation from the PIL perspective.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International private situations in confrontation scenarios Contributing to solve the problems presented by private international situations in confrontation scenarios: migratory flows, conflict of civilizations, global economic integration, sustainable, inclusive and intelligent development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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HCCH – ASADIP QUESTIONNAIRE (Oct-Dec 2017)

Second stage



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II. International Family Law and Children Protection

What issues should be addressed or further explored?

Please qualify each of the following proposals according to the following criteria: high priority, priority, low priority, no priority, not advisable.

Short term

	High priority	Priority	Low priority	No priority	Not advisable
International Child Protection Conventions (1) Promotion and monitoring of the operation of the Child Protection Conventions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International Child Protection Conventions (2) Assistance in the effective implementation of the Conventions (e.g., technical assistance to States, training to the judiciary, internal action protocols, procedural rules).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Co-operation between Central Authorities designated in the Child Protection Conventions Increasing the effectiveness and ensuring swift co-operation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintenance Promoting the 2007 Convention so that more States incorporate it into national law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Child Abduction Working to avoid procedural delays and harmonising the interpretation criteria and the implementation of exceptions provided for in the Conventions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International visits Improving their effectiveness.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mediation Encouraging mediation in international family law and child protection cases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Surrogacy Continuing the work related to determining the need and the viability of developing 'hard law' and 'soft law' instruments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recognition and enforcement of voluntary agreements Continuing the work related to determining the need and the viability of developing 'hard law' and 'soft law' instruments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Refugee, migrant and unaccompanied children Addressing the issue to improve their protection.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Medium Term

	High priority	Priority	Low priority	No priority	Not advisable
Human rights and PIL Harmonisation between the enforcement of the conventions on family rights and child protection, human rights conventions, and decisions of regional human rights courts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
INCADAT Continuing developing the database on international child abduction and considering expanding it to cover other areas (e.g., maintenance).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cohabitation outside marriage Approaching the issue.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Child trafficking Addressing child trafficking and the link between migrant children, child trafficking, forced labour on children, and return mechanisms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protective measures (e.g., gender issues, domestic violence, sexual abuse) Approaching the issue.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Long Term

	High priority	Priority	Low priority	No priority	Not advisable
Surrogacy Continuing work related to determining the need and viability of developing 'hard law' instruments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Harmonisation of procedural law Evaluating the treatment of procedural issues in order to facilitate coordination among the legal systems involved.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Freedom of choice Addressing the issue of freedom of choice in family law and child protection matters, of both adults and children (the right to be heard), by studying of the substantial and procedural mechanisms that allow its materialisation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New family forms Addressing new family forms (de facto cohabitation, same sex marriage, adoption by same sex couples). Discussion on the effect of broadening the concept of family in PIL.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conflicts between cultures The interaction between the different cultures coexisting in the American continent. Multidisciplinary approach to conflicts between cultures (native indigenous peoples vs. people with an immigration background) related to family and child protection.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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HCCH – ASADIP QUESTIONNAIRE (Oct-Dec 2017)

Second stage



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III. International Commercial and Financial Law

What topics should be addressed or further explored?

Please qualify each of the following proposals according to the following criteria: high priority, priority, low priority, no priority, not advisable.

Short term

	High priority	Priority	Low priority	No priority	Not advisable
Society groups Guidelines for the regulation of the operation of society groups against the rules governing free competition in domestic and international markets.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumers Regulatory guidelines for the jurisdictional approach and the applicable law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E-commerce – (B2B and B2C) Harmonisation of jurisdiction and applicable law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
On-line dispute resolution Especially, in the e-commerce and the consumer relations fields.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Spread and promotion of the Conventions on the commercial and financial areas Particularly, the Hague principles on international contracts, Conventions on arbitration, Conflict of law in terms of debt securities and the Conventions on factoring.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competition law Approaching the issue.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International taxation Approaching the issue.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intellectual property Approaching the issue.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Environmental responsibility Approaching the issue.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personal data protection Exploring a possible harmonisation of jurisdiction and applicable law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Medium Term

	High priority	Priority	Low priority	No priority	Not advisable
The international legal representation of economic agent Approaching the issue.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Trust Examining the reasons of the low ratification of the 1985 Hague Convention, with the aim of remedying possible inconveniences and achieving the increase of geographic scope of implementation of the Convention.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disputes deriving from transfers by IT resources Approaching the issue.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tax law Agreements promoted by the OECD. Bank secrecy and legal guarantee. Double taxation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial law Seeking a certain regulatory harmonisation, coordination and cooperation between systems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Long Term

	High priority	Priority	Low priority	No priority	Not advisable
Financial services (1) Establishing applicable law and jurisdiction in financial transactions developed via electronic platforms at the international level.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial services (2) International transactions, such as transfers, payments, credit cards, etc. Investigate different mechanisms to reduce financial and exchange costs affecting vulnerable people (e.g. alimony, retirement and social security benefits).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stock market Examining the reasons of the low ratification of the 2006 Hague Convention, with the aim of remedying possible inconveniences and achieving the increase of geographic scope of implementation of the Convention.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preventive agreement and transnational bankruptcy Validity of the jurisdiction and cooperation agreements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Spreading and promoting accessions and ratifications Spreading and promotion of ratifications and accessions to existing instruments in this field; in particular the 2015 Hague Principles on the law applicable to international contracts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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HCCH – ASADIP QUESTIONNAIRE (Oct-Dec 2017)

Second stage



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IV. Legal Cooperation and International Civil Procedure

What topics should be addressed or deepened?

Please qualify each of the following proposals according to the following criteria: high priority, priority, low priority, no priority, not advisable.

Short-term

	High priority	Priority	Low priority	No priority	Not advisable
Implementation of new technologies Promoting their implementation to the largest extent possible (e.g. long-distance or joint hearings, service and taking of evidence by electronic means, etc.), with the aim of bestow more agility and effectiveness on the existing judicial cooperation rules.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Spreading and promoting the ratification and accession of the existing instruments in the field Spread and promote its ratification and accession and working for their effective implementation and operation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Small claims Simplifying the recognition and implementation of foreign judicial decisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Alternative Dispute Resolution Methods Coordinating the judicial cooperation that encourages these methods' implementation with the support and control that must be provided by state jurisdictions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Judicial assistance in the international commercial arbitration Establishing the arbitrators' jurisdiction and the available cooperation mechanisms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recognition and enforcement of decisions Promoting the concretion of the recognition and enforcement of judgments project which is currently being developed by HCCH.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2005 Convention on Choice of Court Promoting its accession or ratification.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ASADIP Principles on Transnational Access to Justice Promoting its implementation in regional and global forums.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordination of existing instruments Discussion and coordination of the existing conventions reached at the universal, regional, and bilateral levels. Suggesting some kind of systematization and awareness with the aim of enabling the understanding and access to the conventions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International direct assistance Increasing and promoting it (e.g. direct judicial communications, judicial cooperation offices, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Medium Term

	High priority	Priority	Low priority	No priority	Not advisable
Respect to party autonomy Encouraging the respect of the jurisdiction clauses and the submission to arbitration and conflict resolution.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Monitoring of the operation of the Conventions Continuous supervision of the different conventions on the field, seeking the implementation of the necessary mechanisms to improve their operation (e.g. domestic regulations, coordination of actions between internal and international authorities intervening in procedures, networking, concentration of jurisdiction).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Positive (lis pendens) and negative (denial of justice) conflicts of competence Addressing these issues with the aim of providing access to the jurisdiction and an effective judicial protection.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inter-jurisdictional proceedings (in which the final decision is taken by a collegiate court composed of judges from different countries and effective in all those jurisdictions).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to foreign law Encouraging its enforcement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Long Term

	High priority	Priority	Low priority	No priority	Not advisable
Recognition and Enforcement of judgments (1) Development of a digital platform to facilitate its spread.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recognition and Enforcement of judgments (2) Developing a database to establish the reasons why a sentence is not recognised or enforced in the countries that are parties to the conventions on this matter.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preventive measures Developing international cooperation mechanisms for their effective global implementation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Material orientation Deepen the international judicial cooperation in specific areas to reduce its characteristic neutrality and bestow the necessary material orientation on it in search of the effective constitutionalisation of the human rights involved.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Creation of a common judicial space Modelling the European experience and working for its global development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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HCCH – ASADIP QUESTIONNAIRE (Oct-Dec 2017)

Second stage



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V.1. HCCH Role and Function

What are the main challenges that will have to face the HCCH in order to provide its services in the next decade?

Please qualify each of the following proposals according to the following criteria: high priority, priority, low priority, no priority, not advisable.

	High priority	Priority	Low priority	No priority	Not advisable
Working remotely incorporating new technologies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identifying new topics.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing work with non-state participants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Monitoring and supervision of the implementation of Hague Conventions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Working on the dissemination of the HCCH work to bring it closer to other actors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Carry out work with parties belonging to other international organizations.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bringing the work of the HCCH closer to the academy.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Working to be actively present in all jurisdictions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Achieving a larger number of ratifications and accessions to the Conventions drawn by the HCCH.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing a differentiated approach in the areas of Commercial Law and International Economic Law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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V.2. HCCH Role and Function

What would you like to change about the way the HCCH develops its work nowadays?

Please qualify each of the following proposals according to the following criteria: high priority, priority, low priority, no priority, not advisable.

	High priority	Priority	Low priority	No priority	Not advisable
Developing more long-distance work to facilitate the specialists' involvement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Emphasising the legislative work, with the aim of producing international instruments that harmonise the PIL rules more frequently.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Emphasising the post-Convention services, with the aim of contributing to the incorporation and effective implementation and operation of the HCCH instruments in the internal legislation of the countries.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Addition of the Spanish language.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Holding meetings outside The Hague.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing training via video conference with support from the state actors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing updated information by means of periodical publications that can be circulated through a free subscription via email.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Using the work and the database and the information of other institutions specialised in the work areas of the HCCH (e.g. Regional Development Banks).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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V.3. HCCH Role and Function

How can ASADIP and HCCH develop cooperation in order to deal with the new challenges of PIL?

Please qualify each of the following proposals according to the following criteria: high priority, priority, low priority, no priority, not advisable.

	High priority	Priority	Low priority	No priority	Not advisable
Increase the participation of ASADIP in HCCH meetings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assist with the identification of new topics.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contribute to the development of feasibility studies on the new identified topics.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Contribute to the development of post-Convention services in the region (e.g. training of actors, legislative reforms, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promote the development and expansion of internships, research and other forms of collaboration with the Regional Office for Latin America and the Caribbean (ROLAC).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promote the integration between the different academies and international law associations in the continent.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Establishing formal agreements with ASADIP with the aim of allocating each conference the task of making recommendations on PIL (like those from the Institute of International Law).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create a library that can be searchable on the Internet.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Seek to add students and young solicitors interested in developing a practical implementation of PIL to the HCCH and ASADIP work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordinate the work with universities to bring the HCCH and ASADIP work closer to the students.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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Thank you for completing this questionnaire

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