

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT** **C**  
**CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS**



Constitutional Affairs

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**The Hague Convention  
of 13 January 2000 on  
the International  
Protection of Adults**

NOTE





DIRECTORATE GENERAL FOR INTERNAL POLICIES  
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND  
CONSTITUTIONAL AFFAIRS

LEGAL AFFAIRS

**The Hague Convention of  
13 January 2000 on the  
International Protection of Adults**

NOTE

**Abstract**

European States which have not already done so are invited to join the *Hague Convention of 13 January 2000 on the International Protection of Adults*. States in Europe that have already signed, ratified or acceded to the 2000 Protection of Adults Convention are: Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Poland, Switzerland, and the United Kingdom of Great Britain and Ireland. The Convention provides an important complement to the 2006 United Nations *Convention on the Rights of Persons with Disabilities*.

This document was requested by the European Parliament's Committee on Legal Affairs.

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## **CONTENTS**

<b>LIST OF ABBREVIATIONS</b>	<b>4</b>
<b>EXECUTIVE SUMMARY</b>	<b>5</b>
<b>CHAPTER 1: THE 2000 PROTECTION OF ADULTS CONVENTION</b>	<b>8</b>
<b>1.1. Invitation to join the Hague 2000 Protection of Adults Convention</b>	<b>8</b>
<b>1.2. Background</b>	<b>8</b>
1.2.1. Introduction to the Convention	8
1.2.2. Features of the 2000 Protection of Adults Convention	10
<b>1.3. Examples of the potential application of the Convention</b>	<b>12</b>
<b>1.4. Further Information and Status Updates</b>	<b>12</b>
<b>CHAPTER 2: THE 2006 UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND ITS RELATIONSHIP WITH THE 2000 PROTECTION OF ADULTS CONVENTION</b>	<b>14</b>
<b>REFERENCES</b>	<b>16</b>
<b>ANNEX I - STATUS TABLE FOR THE HAGUE CONVENTION OF 13 JANUARY 2000 ON THE INTERNATIONAL PROTECTION OF ADULTS</b>	<b>17</b>

## LIST OF ABBREVIATIONS

**2000 Protection of Adults Convention** The *Hague Convention of 13 January on the International Protection of Adults*

**Hague Conference** The Hague Conference on Private International Law

**CRPD** The United Nations *Convention of 13 December 2006 on the Rights of Persons with Disabilities*

## EXECUTIVE SUMMARY

### **Aim: Invitation to join the Hague 2000 Protection of Adults Convention**

European States which have not already done so are invited to join the *Hague Convention of 13 January 2000 on the International Protection of Adults*. States in Europe that have already signed and / or ratified or acceded to the 2000 Protection of Adults Convention are:

- Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Poland, Switzerland, and the United Kingdom of Great Britain and Ireland.

The Convention, negotiated at the end of the last century, was designed to meet the needs of mobile populations of the 21<sup>st</sup> century and to respond to demographic shifts found in Europe and in many countries worldwide.

## Background

### **Introduction to the Convention**

The aging of the world's population, combined with greater international mobility, has created the need for improved international protection for vulnerable adults by means of legal regulation and international co-operation. The increased lifespan in many countries is accompanied by a corresponding increase in the incidence of illnesses linked to old age. As international travel becomes easier, many people reaching the age of retirement decide to spend the last part of their lives abroad.

Private international law issues concerning, for example, the management or sale of goods belonging to persons suffering from impairment in their personal faculties are arising with ever greater frequency. Where adults themselves have organised in advance their protection for the time when they will not be in a position to look after their own interests, such as appointing a representative, it is important that such arrangements will be respected abroad. Questions arise such as which law applies and who may represent the adult, and with what powers. In these circumstances, it is important to have clear rules concerning the authorities which are competent to take any necessary measures to protect the person or property of the adult.

The *Hague Convention of 13 January 2000 on the International Protection of Adults* addresses many of these issues by providing rules on jurisdiction, applicable law and international recognition and enforcement of protective measures. The Convention also establishes a mechanism for co-operation between the authorities of Contracting States. The Convention furthers some important objectives of the United Nations *Convention of 13 December 2006 on the Rights of Persons with Disabilities* (New York), which entered into force on 3 May 2008, in particular those of Article 12 on equal recognition before the law, and Article 32 on international co-operation.

### **The 2000 Protection of Adults Convention**

The Convention is similar in its structure to the *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of*

*Parental Responsibility and Measures for the Protection of Children*<sup>1</sup> but has been adapted to meet the specific needs of vulnerable adults.

The Convention applies to “the protection in international situations of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests.”<sup>2</sup> An adult is defined as a person who has reached the age of 18 years; however, the Convention also applies to measures of protection taken in respect of an adult who had not reached the age of 18 years at the time the measures were taken.<sup>3</sup> Article 3 details the types of measures of protection contemplated by the Convention, but it does not purport to be exhaustive. The measures include, for example, a determination of incapacity, the institution of a protective regime for the adult, the designation and functions of a person representing the adult of having charge of the adult’s property.

The Convention provides uniform rules determining which country’s authorities are competent to take the necessary measures of protection. The Convention attributes jurisdiction primarily to the authorities of the adult’s habitual residence<sup>4</sup> but also recognised are the concurrent, albeit subsidiary, jurisdiction of the authorities of the State of which the adult is a national.<sup>5</sup> Also accepted are the jurisdiction of the authorities of the State where property of the adult is situated to take measures of protection concerning that property<sup>6</sup> and the jurisdiction of the State in whose territory the adult<sup>7</sup> or property belonging to the adult<sup>8</sup> are present to take emergency measures<sup>9</sup> or temporary measures with limited territorial effect for the protection of the person.<sup>10</sup> Further flexibility is provided by allowing the authorities with primary jurisdiction to request the authorities in certain other States to take measures of protection where this is in the interests of the adult.<sup>11</sup>

Generally, in exercising jurisdiction under the Convention authorities in Contracting States shall apply their own law.<sup>12</sup> An exception to the general rule on applicable law relates to powers of representation. Where an adult has made advance arrangements for his or her care and/or representation in the event of incapacity, the question of the validity of these arrangements in the new country of residence has to be resolved. Under the Convention, the adult may designate the law to be applied to the existence, extent, modification and extinction of the powers exercised by a person representing the adult.<sup>13</sup> The adult may choose to designate the laws of: a) a State of which the adult is a national; b) the State of former habitual residence; or, c) a State where there adult’s property is located.<sup>14</sup> In this way, the Convention enables “powers of attorney” or similar institutions to be recognised in Contracting States that do not have an analogous institution. This provides the adult with the assurance that arrangements previously made for the management of his or her affairs will be respected in other Contracting States.

Under the Convention, measures of protection directed toward the person or property of an adult that are taken in one Contracting State will be recognised by operation of law in all other Contracting States. There are only limited grounds on which recognition may be refused.<sup>15</sup> The Convention also provides for the enforcement of such measures.

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<sup>1</sup> As of 1 January 2013 the 1996 Convention will be in force in all Member States of the European Union, with the exception of Belgium and Italy.

<sup>2</sup> Art. 1.

<sup>3</sup> Art. 2.

<sup>4</sup> Art. 5.

<sup>5</sup> See Art. 7 and Explanatory Report by P. Lagarde.

<sup>6</sup> Art. 9 and Explanatory Report.

<sup>7</sup> Arts 10 and 11 and Explanatory Report.

<sup>8</sup> Art. 10 and Explanatory Report.

<sup>9</sup> *Ibid.*

<sup>10</sup> Art. 11 and Explanatory Report.

<sup>11</sup> Art. 8.

<sup>12</sup> Art. 13.

<sup>13</sup> Art. 15.

<sup>14</sup> *Ibid.*

<sup>15</sup> Art. 22.



As with several other recent Hague Conventions, the *2000 Protection of Adults Convention* contains provisions concerning co-operation between States designed to enhance the protection of incapacitated adults. The system of co-operation, which is flexible and enables use of existing channels encompasses, among other things, information exchange, the facilitation of agreed solutions in contested cases, and the location of missing adults. Contracting States must designate a Central Authority to discharge the duties which are imposed by the Convention,<sup>16</sup> which primarily relate to facilitating effective communication between Contracting States and mutual assistance.

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<sup>16</sup> Art. 28.

## CHAPTER 1: THE 2000 PROTECTION OF ADULTS CONVENTION

### KEY FINDINGS

- The 2000 Protection of Adults Convention establishes uniform private international law rules which will provide greater efficiency, legal certainty and practical protection for vulnerable adults whose life circumstances and property are connected with more than one State
- The Central Authority cooperation system established by the 2000 Protection of Adults Convention will support and assist vulnerable adults, their families, their carers and government officials who are charged with their care who must manage the vulnerable adult's affairs and / or property in a cross-border setting

### 1.1. Invitation to join the Hague 2000 Protection of Adults Convention

European States which have not already done so are invited to join the *Hague Convention of 13 January 2000 on the International Protection of Adults*. States in Europe that have already signed and / or ratified or acceded to the 2000 Protection of Adults Convention are:

- Cyprus, Czech Republic, Estonia, Finland, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Poland, Switzerland, and the United Kingdom of Great Britain and Ireland (see Annex I for a detailed Status Table of the 2000 Protection of Adults Convention).

The Convention, negotiated at the end of the last century, was designed to meet the needs of mobile populations of the 21<sup>st</sup> century and to respond to demographic shifts found in Europe and in many countries worldwide. The Convention was drawn up under the auspices of the Hague Conference on Private International Law, during international negotiations at two Special Commissions held in The Hague in 1997 and 1999. Delegations from thirty States and observers from nine States and organizations participated in the second Special Commission in 1999, representing all geographic regions and a variety of legal systems around the world. The final text of the Convention was adopted in the presence of thirty States and six observers.<sup>17</sup>

### 1.2. Background

#### 1.2.1. Introduction to the Convention

The aging of the world's population, combined with greater international mobility, has created the need for improved international protection for vulnerable adults by means of legal regulation and international co-operation. The increased lifespan in many countries is

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<sup>17</sup> Argentina, Australia, Austria, Belgium, Canada, Chile, People's Republic of China, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Republic of Korea, Luxembourg, Morocco, Norway, Netherlands, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America (observers: Colombia, Georgia, the Holy See, Paraguay, the Russian Federation and Ukraine).

accompanied by a corresponding increase in the incidence of illnesses linked to old age. As international travel becomes easier, many people reaching the age of retirement decide to spend the last part of their lives abroad.

Private international law issues concerning, for example, the management or sale of goods belonging to persons suffering from an impairment in their personal faculties are arising with ever greater frequency. Where adults themselves have organised in advance their protection for the time when they will not be in a position to look after their own interests, such as appointing a representative, it is important that such arrangements will be respected abroad. Questions arise such as which law applies and who may represent the adult, and with what powers. In these circumstances, it is important to have clear rules concerning the authorities which are competent to take any necessary measures to protect the person or property of the adult.

In addition to vulnerable adults, family members and other persons caring for the adult and public officials responsible for their cases will also benefit from having the rules of the Convention in place. These persons will be aided by the legal certainty established by the Convention, in order that an adult's affairs or property which has connections with more than one jurisdiction may be dealt with in a clear and orderly fashion, supported by international cooperation mechanisms.

The *Hague Convention of 13 January 2000 on the International Protection of Adults* addresses many of these issues by providing rules on jurisdiction, applicable law and international recognition and enforcement of protective measures. The Convention also establishes a mechanism for co-operation between the authorities of Contracting States. The Convention furthers some important objectives of the United Nations *Convention of 13 December 2006 on the Rights of Persons with Disabilities* (New York), which entered into force on 3 May 2008, in particular those of Article 12 on equal recognition before the law, and Article 32 on international co-operation (please see Chapter 2 for further discussion of the 2006 United Nations *Convention on the Rights of Persons with Disabilities* and its relationship to the 2000 Protection of Adults Convention).

The 2000 Protection of Adults Convention was designed to replace an older and little-used Convention, the *Convention concernant l'interdiction et les mesures de protection analogues*, adopted at The Hague on 17 July 1905. The 1905 Convention had few ratifications and was in need of modernisation in order to appeal to a global community of States. The 2000 Protection of Adults Convention, developed in a negotiation forum where all regions of the world were represented, is compatible with the most internationally common legal traditions.

The negotiations of the 2000 Protection of Adults Convention were set against a background of reforms and significant developments in the national law of many States. Firstly, States were moving away from "old rigid techniques such as interdiction and all-embracing tutory or curatory" and towards "more flexible approaches designed to preserve the adult's legal capacity as much as possible and to confine interventions to the minimum necessary in the particular case."<sup>18</sup> Secondly, many legal systems had or were in the process of ensuring that domestic legal regimes were in place by which adults, while still capable, could make their own arrangements with respect to their representation or support in the event of possible future incapacity at a later stage in their lives, such as provisions for "enduring powers of attorney or mandates with a view to incapacity."<sup>19</sup>

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<sup>18</sup> E. Clive, "The New Hague Convention on the Protection of Adults", *Yearbook of Private International Law*, Volume 2 (2000), p. 3.

<sup>19</sup> *Ibid.*, p. 3.

### 1.2.2. Features of the 2000 Protection of Adults Convention

The Convention is similar in its structure to the *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*<sup>20</sup> but has been adapted to meet the specific needs of vulnerable adults. While the structure of the two Conventions is similar, there are important differences between the instruments based on the needs of the two distinct groups addressed. Children are often subject to custody disputes between two parents or otherwise, and thus issues of conflicts of jurisdiction are common. For vulnerable adults, on the other hand, the challenge can be to find an individual who is willing and able to assist or represent the adult, and thus issues of conflicts of jurisdiction should not be as frequent.<sup>21</sup> Adults, furthermore, will in general have significantly more property than children, which often must be managed in cross-border settings, giving rise to attendant legal problems. Finally, adults, unlike children, will often make their own decisions and pre-arrangements for their representation, assistance or support in the event of circumstances which render them not fully capable of managing their affairs.<sup>22</sup>

The Convention applies to “the protection in international situations of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests.”<sup>23</sup> An adult is defined as a person who has reached the age of 18 years; however, the Convention also applies to measures of protection taken in respect of an adult who had not reached the age of 18 years at the time the measures were taken.<sup>24</sup> Article 3 details the types of measures of protection contemplated by the Convention, but it does not purport to be exhaustive. The measures include, for example, a determination of incapacity, the institution of a protective regime for the adult, the designation and functions of a person representing the adult or having charge of the adult’s property. It is important to note that the measures of protection which will be recognised and enforced under the Convention will be determined in accordance with substantive domestic law, including any international obligations that a State might have in this field (for instance, State’s obligations under the 2006 United Nations *Convention on the Rights of Persons with Disabilities*, if a Party to this instrument<sup>25</sup>).

The Convention provides uniform rules determining which country’s authorities are competent to take the necessary measures of protection. The Convention attributes jurisdiction primarily to the authorities of the adult’s habitual residence<sup>26</sup> but also recognised is the concurrent, albeit subsidiary, jurisdiction of the authorities of the State of which the adult is a national.<sup>27</sup> Also accepted are the jurisdiction of the authorities of the State where property of the adult is situated to take measures of protection concerning that property<sup>28</sup> and the jurisdiction of the State in whose territory the adult<sup>29</sup> or property belonging to the adult<sup>30</sup> are present to take emergency measures<sup>31</sup> or temporary measures with limited territorial effect for the protection of the person.<sup>32</sup> Further flexibility is provided by allowing the authorities with primary jurisdiction to request the authorities in certain other States to take measures of protection where this is in the interests of the adult.<sup>33</sup>

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<sup>20</sup> As of 1 January 2013 the 1996 Convention will be in force in all Member States of the European Union, with the exception of Belgium and Italy.

<sup>21</sup> *Supra*, note 18, p. 4.

<sup>22</sup> *Ibid.*

<sup>23</sup> Art. 1.

<sup>24</sup> Art. 2.

<sup>25</sup> See Chapter 2 for a summary discussion of the 2006 United Nations *Convention on the Rights of Persons with Disabilities* and its relationship to the 2000 Protection of Adults Convention.

<sup>26</sup> Art. 5.

<sup>27</sup> See Art. 7 and Explanatory Report by P. Lagarde.

<sup>28</sup> Art. 9 and Explanatory Report.

<sup>29</sup> Arts 10 and 11 and Explanatory Report.

<sup>30</sup> Art. 10 and Explanatory Report.

<sup>31</sup> *Ibid.*

<sup>32</sup> Art. 11 and Explanatory Report.

<sup>33</sup> Art. 8.

Generally, in exercising jurisdiction under the Convention authorities in Contracting States shall apply their own law.<sup>34</sup> An exception to the general rule on applicable law relates to powers of representation. Where an adult has made arrangements in advance for his or her care and/or representation in the event of incapacity, the question of the validity of these arrangements in the new country of residence has to be resolved. Under the Convention, the adult may designate the law to be applied to the existence, extent, modification and extinction of the powers exercised by a person representing the adult.<sup>35</sup> The adult may choose to designate the laws of: a) a State of which the adult is a national; b) the State of former habitual residence; or, c) a State where there adult's property is located.<sup>36</sup> In this way, the Convention enables "powers of attorney" or similar institutions to be recognised in Contracting States that do not have an analogous institution. This provides the adult with the assurance that arrangements previously made for the management of his or her affairs will be respected in other Contracting States.

Under the Convention, measures of protection directed toward the person or property of an adult that are taken in one Contracting State will be recognised by operation of law in all other Contracting States. There are only limited grounds on which recognition may be refused, with, however, important safeguards on the recognition of foreign measures.<sup>37</sup> Recognition of the foreign measure can be refused if the adult was not "provided the opportunity to be heard, in violation of fundamental principles of procedure," in the context of judicial or administrative proceedings which put in place a measure of protection.<sup>38</sup> Also, measures of protection do not have to be recognised if they are "manifestly contrary to public policy" or if they conflict with a provision of mandatory law in the State where the measure is to be recognised.<sup>39</sup>

The Convention also provides for the enforcement of such measures. Contracting States to the Convention must ensure that measures of protection from other Contracting States are declared enforceable or registered for enforcement by a "simple and rapid procedure."<sup>40</sup> Such measures of protection must then be enforced "as if they had been taken by the authorities" of the enforcing State.<sup>41</sup>

The Convention also provides that the authorities of the Contracting State where a measure of protection has been taken or a power of representation confirmed may issue a certificate indicating the capacity in which that person is entitled to act and the powers conferred to the person entrusted with protection of the adult's person or property.<sup>42</sup>

As with several other recent Hague Conventions, the 2000 Protection of Adults Convention contains provisions concerning co-operation between States designed to enhance the protection of incapacitated adults. The system of co-operation, which is flexible and enables use of existing channels encompasses, among other things, information exchange, the facilitation of agreed solutions in contested cases, provision of information as to the laws of and services available in their States relating to the protection of adults, and the location of missing adults. Contracting States must designate a Central Authority to discharge the duties which are imposed by the Convention,<sup>43</sup> which primarily relate to facilitating effective communication between Contracting States and mutual assistance.

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<sup>34</sup> Art. 13.

<sup>35</sup> Art. 15.

<sup>36</sup> *Ibid.*

<sup>37</sup> Art. 22.

<sup>38</sup> Art. 22(2) *b*).

<sup>39</sup> Art. 22(2) *c*).

<sup>40</sup> Art. 25(2).

<sup>41</sup> Art. 27.

<sup>42</sup> Art. 38.

<sup>43</sup> Art. 28.

### **1.3. Examples of the potential application of the Convention**

The following scenarios are examples of how the Convention might be applied to situations that require the protection of an adult's interests.

#### **Example 1**

A Scotsman has been living in Argentina since his retirement 10 years ago. He owns property in Scotland and Argentina. He now suffers from age-related dementia and is not fully capable of managing his affairs. The property needs to be sold to provide funds for the care of the man living in Argentina. He has a son living in Scotland. Some years ago, the man granted his son extensive powers of attorney to be exercised in the event of any incapacitating illness certified by a Scottish medical practitioner. If the Convention were in force between the countries, the powers of attorney would be recognised in Argentina and the son could act on the man's behalf to assist in making the necessary arrangements to manage his father's affairs. The powers of representation would be exercised in accordance with the law in Argentina.

#### **Example 2**

A man with Japanese nationality dies in Japan. He is survived by a 40 year old daughter who is living in France, and who has both French and Japanese nationality. She suffers from a serious psychosocial disorder and is under a protective regime in France. If the Convention were in force between the countries, the jurisdiction lies with the French courts to make decisions related to the protection of her interests, as she is habitually resident in France. The Convention would ensure that the powers of the person(s) designated to assist or represent her in France would also be recognised in Japan and other Convention States. The person(s) designated to assist or represent her in France would be issued with a certificate<sup>44</sup> outlining his or her powers of representation and would be able to act in Japan on the daughter's behalf in relation to the succession of her father's estate.

#### **Example 3**

An elderly person in the Netherlands has been diagnosed with early-onset Alzheimer's disease and has designated, in accordance with Dutch law, her eldest son as her representative should she one day become unable to manage her affairs. As her disease progresses, she eventually becomes unable to independently manage her own care and property. Her daughter, who resides in Switzerland, upon visiting her mother in the Netherlands, decides to secretly take her mother to Switzerland without informing the older sibling. The daughter influences her frail mother in order to gain direct access to her bank accounts and other assets. If the Convention were in force between the two States, the son could use the Convention's Central Authority cooperation mechanisms to assist in locating his mother, and have recognised and enforced his rightful powers of representation of his mother.

### **1.4. Further Information and Status Updates**

The text and status of the Convention and the Explanatory Report prepared by Paul Lagarde are available on the website of the Hague Conference < [www.hcch.net](http://www.hcch.net) > under

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<sup>44</sup> Article 38 provides that the authorities of the Contracting State where a measure of protection has been taken or a power of representation confirmed may issue a certificate indicating the capacity in which that person is entitled to act and the powers conferred to the person entrusted with protection of the adult's person or property.

"Conventions", "All Conventions" and "No. 35 Convention of 13 January 2000 on the International Protection of Adults."

The Permanent Bureau (the Secretariat) of the Hague Conference on Private International Law may also be contacted for further information with a view to a State becoming a Contracting State to the 2000 Protection of Adults Convention:

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## CHAPTER 2: THE 2006 UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND ITS RELATIONSHIP WITH THE 2000 PROTECTION OF ADULTS CONVENTION

### KEY FINDINGS

- The 2000 Protection of Adults Convention supports the protection, autonomy and dignity of vulnerable adults with certain disabilities whose care and property are connected with more than one State
- Although negotiated before the 2006 *Convention on the Rights of Persons with Disabilities*, the 2000 Protection of Adults Convention affirms a number of important provisions of the 2006 Convention

The United Nations *Convention of 13 December 2006 on the Rights of Persons with Disabilities* (the "CRPD") entered into force on 3 May 2008. As of 13 November 2012, the CRPD had 126 States Parties and 154 Signatories. All Member States of the European Union are either States Parties or Signatories to the CRPD.

Article 1(1) of the CRPD states that the instrument's purpose is:

"To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."

The CRPD is a comprehensive international human rights instrument which advances a wide range of substantive human rights entitlements of persons with disabilities. The human rights entitlements enshrined in the CRPD will likely have an impact on various areas of domestic substantive private law of States Parties to the CRPD, as domestic law is reviewed in order to be made compliant with the CRPD.

On the other hand the Hague 2000 Protection of Adults Convention will not have a direct impact on the substantive private law of States Parties to the 2000 Convention. Rather, the 2000 Convention, *per* its Article 1(2), seeks to regulate jurisdiction, applicable law, and recognition and enforcement of measures taken to protect vulnerable adults whose affairs are connected with more than one country, and to establish cooperation mechanisms which will assist in achieving this goal. It is important to note that the 2000 Convention does not prescribe what kind of "measures of protection" will be taken for the benefit of an adult (Art. 3 rather only enumerates a non-exhaustive list of possible measures): such measures will be in accordance with national law and the international obligations of individual States.

However, there are a number of ways that the 2000 Convention will functionally assist in implementing and supporting the international obligations of States Party to the CRPD, in attending to the needs of adults with relevant disabilities who are implicated in cross-border situations. The preamble of the 2000 Convention states its over-arching purpose, echoing the stated purpose of the CRPD:

"Recalling the importance of international co-operation for the protection of adults,/ Affirming that the interests of the adult and respect for his or her dignity and autonomy are to be primary considerations [...]"



Through the private international law provisions and Central Authority cooperation system established by the 2000 Convention, the following Articles of the CRPD are supported: Article 18 on Liberty of Movement and Nationality (*e.g.*, individuals' established protective regimes will be internationally "portable"); Article 32 on International Cooperation (*e.g.*, States Parties to the CRPD will participate in an important private international law instrument supporting relevant disabled adults implicated in cross-border circumstances); Article 12 on Equal Recognition Before the Law (*e.g.*, individuals' decision-making assistance / assistance in exercising legal capacity will be recognized in cross-border situations); Article 3 on the Autonomy of Disabled Adults (*e.g.*, arrangements made by individuals for their future care or representation are specifically provided for in the Convention); Article 25 on Health (*e.g.*, the Convention assists in ensuring there is legal certainty and efficiency in making health / medical decisions for relevant disabled adults caught in cross-border circumstances); and, Article 13 on Access to Justice (*e.g.*, individuals and families will benefit from the international cooperation system established by the Convention, greatly facilitating the management of cross-border legal affairs).

## REFERENCES

- Paul Lagarde, Explanatory Report — *Convention of 13 January 2000 on the International Protection of Adults*, Hague Conference on Private International Law (available at < [www.hcch.net](http://www.hcch.net) >).
- Eric Clive, "The New Hague Convention on the Protection of Adults", *Yearbook of Private International Law*, Volume 2 (2000), pp 1-23.

## ANNEX I - STATUS TABLE FOR THE HAGUE CONVENTION OF 13 JANUARY 2000 ON THE INTERNATIONAL PROTECTION OF ADULTS<sup>45</sup>

Entry into force: 1 January 2009

Current number of Contracting States to this Convention: 7

States	S <sup>1</sup>	R/A/Su <sup>2</sup>	Type <sup>3</sup>	EIF <sup>4</sup>
Cyprus	1-IV-2009			
Czech Republic	1-IV-2009	18-IV-2012	R	1-VIII-2012
Estonia		13-XII-2010	A	1-XI-2011
Finland	18-IX-2008	19-XI-2010	R	1-III-2011
France	13-VII-2001	18-IX-2008	R	1-I-2009
Germany	22-XII-2003	3-IV-2007	R	1-I-2009
Greece	18-IX-2008			
Ireland	18-IX-2008			
Italy	31-X-2008			
Luxembourg	18-IX-2008			
Netherlands	13-I-2000			
Poland	18-IX-2008			
Switzerland	3-IV-2007	27-III-2009	R	1-VII-2009
United Kingdom of Great Britain and Northern Ireland	1-IV-2003	5-XI-2003	R	1-I-2009

1) S = Signature

2) R/A/Su = Ratification, Accession or Succession

3) Type = R: Ratification;

A: Accession;

C: Continuation;

Su: Succession;

Den: Denunciation;

4) EIF = Entry into force

<sup>45</sup> Last updated: 18 April 2012. Updated versions of the Status Table are available on the Hague Conference website, < [www.hcch.net](http://www.hcch.net) >, under "Conventions", then "Convention 35", then "Status Table".



DIRECTORATE-GENERAL FOR INTERNAL POLICIES

## POLICY DEPARTMENT CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS **C**

### Role

Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

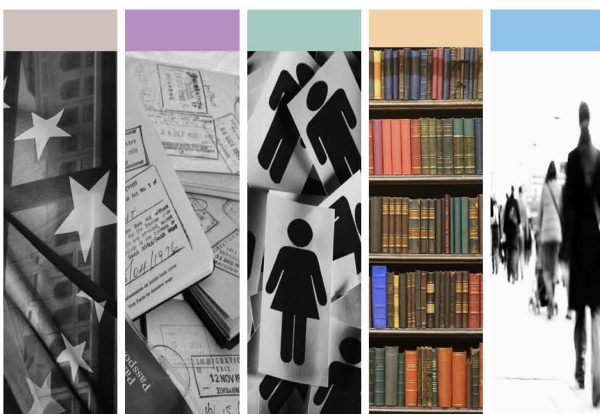
### Policy Areas

- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

### Documents

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