



Instituto
Interamericano
del Niño, la Niña
y Adolescentes



**CONCLUSIONS AND RECOMMENDATIONS OF THE INTER-AMERICAN EXPERT
MEETING ON INTERNATIONAL CHILD ABDUCTION
CO-ORGANISED BY THE INTER-AMERICAN CHILDREN'S INSTITUTE AND
THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW**

The Hague, 10 November 2006

Experts from the Inter-American Children's Institute (IIN) and the Hague Conference on Private International Law (HCCH) co-ordinated the Inter-American Expert Meeting on International Child Abduction, which was attended by national experts from the following States: Argentina, Brazil, Chile, Dominican Republic, Ecuador, Mexico, Panama, Peru, United States of America and Uruguay. The following Conclusions and Recommendations were agreed:

Central Authorities – Fluency in communications

1. Central Authorities should comply with the following time periods in their communications related to cases under the Child Abduction Conventions¹:
 - a) New return or access applications: Once a new return or access application has been received the requested Central Authority should, within one week, acknowledge receipt of the application to the requesting Central Authority stating whether the received documentation is sufficient to initiate the procedure or whether further documentation / information is needed. This first communication has to do with the preliminary review performed by the requested Central Authority and does not comprise the subsequent review that may be performed by the Authority or professional who should file the case before the Court.
 - b) Follow up of proceedings: The requested Central Authority has the duty to keep the requesting Central Authority informed about the development of proceedings and to respond to all the information requests addressed by such Authority. The use of e-mail is encouraged as a mean of swift communication between Central Authorities. In this regard, it is advisable to use an e-mail address, which is checked on a daily basis, regardless of the absence or replacement of competent officers. Central Authorities should respond to requests received by e-mail within 48 hours from receipt. Communications received by fax or ordinary mail should be responded to within 72 hours.
 - c) Judgments' notifications: Requested Central Authorities shall notify judgments rendered in return or access proceedings to the requesting Central Authorities with maximum urgency indicating the applicable period of time to file an appeal. Under no circumstances should notifications be transmitted in less than 72 hours prior to the due date to file the appeal.

¹ For the purposes of this document "Child Abduction Conventions" means the 1980 *Hague Convention on the Civil Aspects of International Child Abduction* as well as the 1989 Inter-American Convention on International Return of Children.

Country profile

2. Central Authorities will transmit to the HCCH or the IIN (where applicable) the necessary data to complete the country profile. The HCCH / IIN will explore the best means to maintain and systematise such information, which should be easily accessible for the public. In this regard, consideration should be given to the Canadian project approved at the Fifth meeting of the 2006 Special Commission, as well as its possible linkage with the existing web tools available at the HCCH and the IIN (INCADAT/BADAJ/REDIC/Site for co-ordination of actions).

iChild

3. Experts expressed their interest in the iChild software, which will be considered by several Central Authorities as a possible tool for case management and generating statistics.

Amicable dispute resolution

4. The HCCH and the IIN take note of the importance attached by the experts to encouraging amicable resolutions in cases under the Child Abduction Convention. Experts will provide information to the HCCH about existing initiatives on this subject in their own countries, so as to co-operate with the development of the feasibility study on cross-border mediation in family matters which is currently being carried out by the HCCH. Such study will be included for consideration at the IIN Meeting in 2007² in order to assess its impact at the regional level.

Model law

5. Experts consider it advisable to develop a regional model law of procedure which should facilitate the national implementation of the Child Abduction Convention.
6. The HCCH / IIN will form an expert group to prepare a draft regional model law which will be co-ordinated by the Uruguayan expert, Magistrate Ricardo Pérez Manrique. The expert group will prepare a draft model, with the technical assistance of the HCCH and the IIN, which will be circulated for consultation between States in advance of the IIN 2007 meeting. This document will be included for discussion in the agenda of such meeting.

Judicial communications – Liaison Judges

7. Experts noted the value of co-ordination between Central Authorities and Judges in dealing with international child abduction cases. The existence of Liaison Judges in the region was considered as very positive and the advantages they bring to co-operation for the international protection of children were recognised.

Experts considered advisable that the HCCH / IIN explore means to develop judicial networks and judicial communications, as well as the convenience of co-ordinating actions with other existing regional judicial networks.

² The Inter-American Children's Institute has confirmed that it will organise in 2007 an experts meeting on international child abduction. The dates and venue for such meeting are still to be determined, as well as the organisations and officers who should take part in this organization.

The experts and the HCCH / IIN took note of the initiative of the creation of a regional judicial network, presented by the Brazilian liaison judges, Jorge Antonio Maurique and Mónica Jacqueline Sifuentes Pacheco de Medeiros, which should include a co-ordinator in charge of maintaining updated the nominations of liaison judges as well as their contact data and the network's activities.

8. Experts thanked and took note of the offer made by the US delegation to make available the technical means for teleconferences, existing at the US Consulates in the region, to be used in the application of the Child Abduction Convention. These services may be used in judicial communications, and might also provide the means for having long distance hearings through teleconferences.

Hague 1996 Convention

9. Experts considered that there was not sufficient knowledge in the region about the *Hague 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*, and that it would be advisable to have available a study analysis from the American perspective so as to facilitate the understanding of the instrument and its possible impact in the national legal systems. It was therefore agreed that the HCCH / IIN would form an expert group which would generate a document addressing the mentioned issues.

IIN 2007 meeting

10. Experts suggested that the following topics should be included in the agenda for the meeting to be organised by the IIN in 2007:
 - Safe return of the child
 - Access
 - Rehabilitation of victims
 - Prevention
 - Promotion of the *Hague 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*

Dissemination of Conclusions and Recommendations

11. The experts considered it advisable to inform the Central Authorities for the Child Abduction Convention of the region – which were not represented at the Inter-American Meeting – of these Conclusions, so as to allow them to adhere and / or make any suggestions or comments, which will be taken into account by the HCCH / IIN in developing the recommended actions.

Co-operation Agreement IIN-HCCH

12. Experts expressed their satisfaction at the establishment of the Co-operation Agreement between the IIN and the HCCH, which generated, as a first concrete action, this fruitful meeting. Experts encouraged the IIN and the HCCH to continue joining efforts in order to improve the international protection of children in the region.