



Second **Meeting of Government Experts**
Inter-American Program of Cooperation for the Prevention and Remedy of Cases of International Abduction of Children by one of their Parents

Palacio San Martín
Buenos Aires, Republic of Argentina
19, 20 and 21 September 2007

(translation by the Permanent Bureau)

REPORT OF ROUNDTABLE 2
CENTRAL AUTHORITIES
(Moderator: Dr Jorge Valladares)

This roundtable focused on the aspects intended to strengthen the structure and operation of the Central Authority in implementing the International Child Abduction Conventions.

As a basis for discussion it used the Guide to Good Practice drawn up for the purpose by the Hague Conference on Private International Law.

The following were agreed as central points for debate:

- Mapping of Central Authorities in America.
- Country profile.
- Resources required.
- Communication between actors involved.
- Communication between Central Authorities.
- Role of the Central Authorities.
- Profile of the human resources required.
- Procedures applicable in each State.
- Relationship with the Inter-American Children's Institute (IIN) and the HCCH.

One of the topics most debated at the roundtable was the need to look at the phenomenon of international child abduction in the context of broader phenomena such as migration and other violations of children's rights such as trafficking and kidnapping.

The IIN and HCCH were therefore asked to extend the provision of technical assistance services so that States can address the specific issue of abduction but without overlooking the needs relating to other forms of abuse of the rights of children.

It was suggested there be a diagnostic analysis of the position of the Central Authorities, including:

- Up-to-date information, both contact details and information on the structure and operation of the Central Authorities.
- All the Central Authorities to be notified immediately to update information with the IIN or HCCH.
- To centralise all information at the IIN and HCCH.
- The Inter-American Program should keep all this information on an accessible database.
- A model country profile should be drawn up, which should be a file enabling both the Central Authorities in America to be mapped and information is to be supplied with a view to identifying requirements for training or other support to enable the IIN and HCCH to provide technical assistance. It should also clearly set out applicable procedures, legal framework, areas of competence, case management, coordination between Central Authorities and agreed common forms, and should be published on the website to serve as a tool for comparing experience, for example.
- The Central Authorities should for their part endeavour to have websites on which they provide information and links to both national and international authorities and courts.
- It was also suggested that the Central Authorities should perform a self-assessment diagnostic audit and provide that information to the national authorities and to the IIN and HCCH.

General problems identified at the roundtable:

- Lack of human resources and training.
- The large number of cases to be managed within each Central Authority.
- The absence of interdisciplinary teams.
- There are no translation services.
- The differing functions specifically called for by the international regulations in child abduction cases.
- Lack of inter-institutional support within the country.
- Physical spaces and specialised support personnel to attend to the parents and family members involved.
- Limited access to technology affording access to information and communications.
- On many occasions staff are rotated with the resulting loss of institutional continuity and memory in relation to child abduction.
- Absence of relevant training and occupational updating programmes.
- The HCCH's website is available only in English. This information is very useful.
- There is little academic doctrine on child abduction in America, which could greatly assist the unification of criteria on the matter.

Specific needs for support for Central Authorities were also identified:

- Specialised national laws on child abduction enabling the principles of the international regulations to be implemented.
- Central Authorities with their own budgets.
- Due process safeguards for the parties should be in place, in particular legal aid.
- There should be specialist language personnel.
- There should be ongoing professional training programmes in child abduction.
- Access to technology to support their work.
- There should be specialised websites.
- The commitment and technical support received from the IIN and HCCH should be increased.
- The need to set up a network of Central Authorities in America.
- This topic should be linked to migration authorities.
- There should be a dialogue with the UN agencies on child abduction.
- The support of the IIN and HCCH is key in overcoming deficiencies.
- A group of trainers should be set up a on the continent who would move around and provide training and advisory services.
- Make efforts with universities and specialised teaching centres to generate academic doctrine in America.
- Regional strategies should be promoted for the use of amicable agreements as a means of dispute resolution.
- A strategy should be defined for monitoring cases of the international return of children.

1. The experts urged States which have not yet ratified the 1980 and 1989 Conventions on international child abduction to ratify them or to express their agreement to accession as soon as possible.
2. They reiterated the need for coordination and cooperation between competent authorities and/or Central Authorities in each State when acting in return applications.
3. Safe Return: they encouraged the competent authorities to coordinate and cooperate in adopting measures to secure the safe return of children once they have reached the requesting country and to inform the requesting judge of those measures.
4. Cooperation between actors: it was considered important to increase proper communication between all the bodies involved in the return process in order to resolve economic issues relating to the applicant parent.

5. States where the two international abduction Conventions are in force must appoint a Central Authority in each State. Where a State gives priority to the 1980 Hague Convention, it must make the declaration referred to in the Inter-American Convention, and the latter Convention shall otherwise prevail. They must inform the other States Parties of changes in the Central Authorities
6. It was suggested there should be technical cooperation at international level between States which have signed both Conventions, both at Central Authority and court level: for example, sharing experience and good practice, technical assistance and cooperation.
7. The experts analysed the issue of Articles 8 and 9 of the 1996 Convention, on the transfer of jurisdiction, concluding that there is no conflict with domestic law having regard to the fact that the transfer is not imposed by the Convention but is a power conferred on the court, provided its domestic law so permits and provided the court finds the decision to be in the best interests of the child.
8. The experts recommended that the Institute and the Hague Conference urge the States to look at the 1996 Convention, which appears to be complimentary to the 1980 and 1989 Conventions. The Preliminary Study presented at this meeting was suggested as the basis for that analysis.