



LATIN AMERICAN MEETING ON THE INTERNATIONAL PROTECTION OF CHILDREN AND THE RECOVERY OF MAINTENANCE ABROAD

Santiago, Chile, 4-6 December 2013

Final report

From 4 until 6 December 2013, officials from National Organs, Ministries of Foreign Affairs, Ministries of Justice, State Attorneys, representatives of the Judiciary, Members of the International Hague Network of Judges, Central Authorities, Childhood Authorities and academics from Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain and Uruguay, met in the context of the Latin American Meeting on the International Protection of Children and the Recovery of Maintenance Abroad, that focused on the analysis and discussion 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* ("1996 Convention") and the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* ("2007 Convention"). The Santiago Meeting was co-organized by the Hague Conference on Private International Law (HCCH) and the Heidelberg Center for Latin America.

The main objectives of the Santiago Meeting were the following:

- To consider the benefits resulting from the implementation of the 1996 and 2007 Conventions and to facilitate their study by relevant national authorities and other actors in the region
- To discuss with relevant national authorities and other actors the potential impact of the coming into force of the 1996 and 2007 Conventions and to respond to questions on the implementation and operation of the two Conventions, in the light of their respective Explanatory Reports, Practical Handbooks, Implementation Checklists and the preliminary study of the 1996 Convention (all available on the Hague Conference website at < www.hcch.net >)
- To disseminate the result of the work carried out and the products developed in the context of this initiative and to make them available to the relevant actors in the region

The preparatory work for the meeting included sending questionnaires which addressed some legal and practical matters related to the 1996 and 2007 Conventions to several national authorities and academics in the region and exchanging experiences and opinions on the operation of the 1996 Hague Convention among Central Authorities and Network Judges of State parties to the 1996 Convention.



In the light of responses received, the following documents were sent to participants in advance to the meeting:

- 1- Draft "Explanatory Note on specific matters concerning the 1996 Convention", and
- 2- Draft "Study of legal and practical impact of the 2007 Convention in Latin American States"

The Santiago Meeting included introductory presentations of the Conventions by Hague Conference officials, and presentations and exchanges of experience by participants that had taken part in the preparatory work for the Meeting (see Agenda and List of participants available in Spanish only and attached to the Spanish version of the report). Those presentations were followed by well-informed discussions and exchange of experience among participants. Several amendments to the working documents were agreed to in light of these discussions.

In that regard, the Permanent Bureau will modify the documents in accordance with the suggestions made and will circulate the amended documents to participants for their final consideration.

Once consultations are completed, the Permanent Bureau will make the final adjustments to both documents and will circulate them in their final versions, for information, to Latin American States.

The participants reached the following consensus:

- The 1996 and 2007 Conventions present considerable benefits. Therefore, participants highlighted the opportunity for countries in the region that have not yet undertaken a study of the Conventions, to do so with a view to their possible ratification or accession.
- The draft "Explanatory Note on specific matters concerning the 1996 Convention" and the draft "Study of legal and practical impact of the 2007 Convention in the Latin American States" introduced at the meeting, provide significant information to consider when assessing the ratification of or accession to the Conventions. In that regard, it was suggested that the documents be distributed to the relevant officials in charge of the analysis of the Conventions in each country of the region.
- Mechanisms for amicable settlement of disputes may provide significant benefits in the application of the 1996 and 2007 Conventions. Therefore, it was suggested that States consider making such mechanisms available to the parties applying the said Conventions.
- The implementation of the Conventions requires appropriate training of the officials dealing with their application and wide dissemination of these instruments among potential users.



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- The use, to the greatest extent practicable, of new technologies, communication exchange platforms and Legal Cooperation Networks was considered useful in the operation of the 1996 and 2007 Conventions.
- The importance of technological systems, such as *iSupport* or the *e-country profile*, among others, as useful tools for the better operation of the said Conventions, was highlighted.