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HAGUE CONFERENCE ON
PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

LETTRES EN SOUTIEN DE LA PROPOSITION DE L'ORGANE NATIONAL DU GOUVERNEMENT DU BRÉSIL : PROJET DE CONVENTION SUR LA COOPÉRATION POUR LA PROTECTION DES TOURISTES ET VISITEURS ÉTRANGERS

(DISPONIBLE EN ANGLAIS UNIQUEMENT)

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LETTERS SUPPORTING THE PROPOSAL BY THE NATIONAL ORGAN OF THE GOVERNMENT OF BRAZIL: DRAFT CONVENTION ON CO-OPERATION IN RESPECT OF THE PROTECTION OF TOURISTS AND VISITORS ABROAD

Document d'information No 8 d'avril 2013
à l'attention du Conseil d'avril 2013
sur les affaires générales et la politique de la Conférence

Information Document No 8 of April 2013
for the attention of the Council of April 2013
on General Affairs and Policy of the Conference

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5 April 2013

Mr. J. H. van Lonn
Secretary General
Permanent Bureau of the Hague Conference on Private International Law
Schveningseweg 6
2517 KT The Hague The Netherlands

Dear Mr. van Loon:

The FNDEC (Forum de Entidades de Defesa do Consumidor), a Brazilian NGO uniting all Consumer Associations from Brazil, and BRASILCON (Instituto Brasileiro de Política e Direito do Consumidor), Brazilian cientific association to research Consumer Policy and Law , member of the Consumers International, would like to strongly support the Draft prepared and send to the Hague Conference by Brazil of a "Convention on the protection of tourists and visitors". The reason The Hague Conference should endorsed this important initiative is based on the current problems facing more than one Billion foreign tourists around the world that have daily problems while travelling. With a new document, international cooperation could be established that would allow for the exchange of multilingual documentation, and the facilitation in cases where there is need for conciliationa and small claims disputes settlements. Thus, the draft should be considered as a solid document that represents the development of the subject over the years and we believe it has clear chances of sucess among other States.

Studies elaborated by ASADIP (Asociación Americana de Derecho Internacional Privado) and the Federal University of Rio Grande do Sul (Porto Alegre, Brazil) demonstrated that there is a global need for a document that would provide more protection of the international visitor or tourist. Today there is a dangerous lack of global administrative and judicial cooperation in this matter. The efforts made in MERCOSUR show us that the administrative and judicial cooperation is a good path to solve the actual problem. We agree that with the expansion we have seen in recent years of mass tourism it is time to make the dispute settlements easier and more accessible for foreign tourists through the consumer protection agencies, and also the creation of a new global cooperation network

In 2012, ASADIP has prepared the "*Declaration of Rio de Janeiro*" ("Carta de Rio de Janeiro") formulating an "*Agenda of the Americas in Private International Law, in the topics of interest to the States of the region*". BRASILCON and more than 100 professors from 10 countries have adhered to this declaration, suggesting the importance to add at the subject of the international protection of tourists to the Agenda of the Hague Conference for consideration for future work.

Thus we fully endorse the Brazilian Proposal and hope that the subject of the international protection of tourist, be added to the Agenda of future work of the Hague Conference, an institution we regard as the leading organization the field of providing solutions for international cooperation matters.

With the current grown and the drastic changes in the cross-border tourism initiatves like the proposal forward by Brazil, there is a chance to make the dispute settlements easier and more accessible for foreign tourists through the consumer protection agencies, and the cooperation of central authorities to be created for this purpose. Thus, the initiative is more than welcome, it is an imperative in the development in the field of Private International Law.

The creation of a new global cooperation network dealing with tourist in their international travelling would be of great value for all players involved in this area (tourism industry, consumers and States). Thus we believe the Hague Conference on Private International Law will be the leading organization in drafting new regulation for the subject.

Sincerely

Rosana Grinberg, President of FNECDC

Clarissa Costa de Lima, President of Brasilcon

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Apr 8,2013

Dr. J. H. van Loon
Secretary General
The Hague Conference on Private International Law
Scheveningseweg 6
2517 KT
The Hague
Netherlands

Dear Mr. Secretary General,

I am writing to you urgently on behalf of the International Advisory Board of the Centre for Policy & Law on Global Consumer Protection, which is housed at the Wuhan University Law School's Institute for International Law, and has just been inaugurated with an international conference on March 15-16th this year. The Centre is a member of Consumers International, the global federation of consumer associations, which is recognized explicitly as stakeholder by the UN in the current revision of the UN Guidelines for Consumer Protection. CI participated in the recent inauguration, and their senior policy adviser is a member of the Advisory Board, as is recent president Mrs Connie Lau.

The subject of our correspondence is the proposal which is being put forward to the Hague conference by the Brazilian government, ably advised by Professor Claudia Lima Marques for the development of an International Convention on the Protection of Tourists and Visitors. We wish to support this proposal which, we understand, will be considered during April 9-11th, hence the urgency of this letter. Our advisory board consists of the distinguished experts that are listed in the Annex to this letter and in the short time available to us we have gained the written end explicit support of the following members, including Professor Lima Marques herself: Mrs. Connie Lau, Mrs. Claudia Lima Marques, Mr. Christopher Hodges, Mr. David Thomas, Mr. Michael Palmer, Mr. Pradeep Mehta, Mr. Robin Simpson, Mr. Sothi Rachagan and Mr. Thierry Bourgoignie.

The reasons for the need for the convention are well set out in its opening section. We would add that tourism is of particular importance to China given its recent status as a major destination and the recent sharp rise in the numbers of Chinese people travelling abroad as tourists. Chinese people account for 80 million of the global total of one billion annual tourist visits, and some 13% of the global income from tourism. But it is not only for that reason that we are writing, for we would also emphasise that in recent years, tourism has been vying with agriculture to be the world's largest economic sector. That being the case, there is a clear need for an international mechanism to protect consumers throughout the world. They are peculiarly exposed, given their frequent vulnerability to linguistic deceptions, and the fact that by definition they are often removed from their own jurisdictions at the time when abuses are perpetrated at their expense. A convention would be a step towards overcoming such handicaps. We therefore wish to express our support.

We hope that the conference will look kindly upon the proposal for a convention and thank you for your consideration.

Sincerely
Ying Yu

Secretary General
on behalf of the International Advisory Board
Centre for Policy & Law on Global Consumer Protection

Annex—List of the International Advisory Board of the Centre for Policy & Law on Global Consumer Protection

Ana Evelyn Jacir de Lovo, Director of Department of Social Development and Employment / Executive Secretariat for Integral Development, OAS

Connie Lau, Chairperson, International Advisory Group of Expert on Consumer Protection, UNCTAD

Claudia Lima Marques, Professor, Federal University of Rio Grande do Sul / Chairman of ASADIP (American Association of Private International Law) / Chairman of ILA (International Law Association) Consumer Protection Committee

Christopher Hodges, Professor and Head of the CMS Research Program on Civil Justice Systems, Centre for Socio-Legal Studies, University of Oxford / Erasmus Professor of the Fundamentals of Private Law, Erasmus University

David Thomas, Former Chairman of the Worldwide International Network of Financial Ombudsmen / Lead Ombudsman (strategy) of Financial Ombudsman Service of United Kingdom

Michael Palmer, Dean and Professor of Law School, Shantou University / Emeritus Professor of Law at the University of London

Pradeep Mehta, Secretary General of CUTS International / Advisory Panel to the Director General of the WTO

Sothi Rachagan, Professor/Vice President of Nilai University / Chairman of International Association of Consumer Law,

Robin Simpson, Senior Policy Adviser of Consumers International

Thierry Bourgoignie, Professor and Head of the Consumer law Centre of the University of Quebec in Montreal

idec
Instituto Brasileiro de
Defesa do Consumidor

São Paulo, 8 April 2013

Mr. J. H. van Lonn
Secretary General
Permanent Bureau of the Hague Conference on Private International Law
Schveningseweg 6
2517 KT
The Hague - Netherlands

Dear Mr. van Loon:

IDEC (Instituto Brasileiro de Defesa do Consumidor), a Brazilian NGO member of Consumers International, express its strong support to the Draft of the "Convention on the protection of tourists and visitors" prepared by the Brazilian delegation.

Having that Convention in place, most of the current problems of more than 1 billion foreign tourists around the world could be solved, multilingual documentation could be exchanged also in small claims disputes, and consumer conciliation would be facilitated. The draft is a solid document with clear chances of sucess.

Studies elaborated by ASADIP (Asociación Americana de Derecho Internacional Privado) and the Federal University of Rio Grande do Sul (Porto Alegre, Brazil) demonstrated that there is the necessity of a more highlighted protection of the international visitor or tourist. Today there is a dangerous lack of global administrative and judicial cooperation in this matter. The efforts made in MERCOSUR show us that the administrative and judicial cooperation is a good path. We agree that with the changes in the mass tourism it is time to make the dispute settlements easier and more accessible for foreign tourists though to the consumer protection agencies, creating a new global cooperation network.

We hope that the subject of the international protection of tourist be addeted at the Agenda of this important global forum. We wish you success at the Hague Conference on Private International Law in this 120 anniversary.

Sincerely yours,

Marilena Lazzarini
President of Idec Board of Directors

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Monday 8 April 2013

Dr. J.H. van Loon
The Hague Conference on Private International Law.
Scheveningseweg 6
2517 KT
The Hague
Netherlands.

Dear Secretary General,

Draft International Convention on the Protection of Tourists and Visitors

I am writing to you on behalf of Consumers International (CI), the global federation of consumer associations, with over 240 member associations in over 120 countries. (www.consumersinternational.org) CI is the only recognized consumer body accredited to the UN Economic & Social Committee as a 'class 1 NGO' in which capacity we take part in reviewing and revising international agreements such as the current review of the UN Guidelines on Consumer Protection, in which we are heavily engaged. We are also members of the OECD Consumer Policy Committee, where we similarly contribute to draft international agreements.

It has been brought to our attention that the Hague Conference on Private International Law will be considering, during April 9-11th a draft International Convention on the Protection of Tourists and Visitors. I am writing to express our support for this proposal, which we have studied with interest. I need not dwell on the reasons for the need for the convention, which are well set out in its opening section. Many of our national members have done guides for tourists and supported measures, including legal instruments, to protect them against exploitation, to which they are particularly exposed by their status as foreign visitors, often in a country with an unfamiliar language. I understand that some of them have written to you to express their support for the draft convention, and I am happy to join them in that.

I hope that the conference will support the proposal for a convention and I thank you for your consideration. Should you wish to consult us, we are more than happy to arrange for that.

Sincerely,

Helen McCallum

Helen McCallum
Director General
Consumers International

Consumers International is a not-for-profit company limited by guarantee in the UK (company number 4337865), and a registered charity (number 1122155).