

novembre / November 2009



**CONCLUSIONS ET RECOMMANDATIONS
DE LA COMMISSION SPÉCIALE SUR LA MISE EN ŒUVRE DE LA
CONVENTION DE 2007 SUR LE RECOUVREMENT DES ALIMENTS ET DU
PROTOCOLE DE 2007 SUR LA LOI APPLICABLE AUX OBLIGATIONS ALIMENTAIRES
(10 – 17 NOVEMBRE 2009)**

adoptées par la Commission spéciale

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**CONCLUSIONS AND RECOMMENDATIONS
OF THE SPECIAL COMMISSION ON THE IMPLEMENTATION OF
THE 2007 CHILD SUPPORT CONVENTION AND OF
THE 2007 PROTOCOL ON THE LAW APPLICABLE TO MAINTENANCE OBLIGATIONS
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**Conclusions and Recommendations
of the Special Commission on the implementation of
the 2007 Child Support Convention and of
the 2007 Protocol on the Law Applicable to Maintenance Obligations
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Implementation of the Convention and Protocol

1. The Special Commission welcomed the progress made in a number of States and in regional organisations, such as the European Community and Mercosur, in preparing for the implementation and ratification of the 2007 Child Support Convention and its Protocol on the Law Applicable to Maintenance Obligations.
2. The Special Commission welcomed the completion and publication of the Explanatory Report on the 2007 Child Support Convention and the Explanatory Report on the Protocol on the Law Applicable to Maintenance Obligations and expressed its gratitude to the *Rapporteurs*, Alegría Borrás, Jennifer Degeling and Andrea Bonomi.

Recommended Forms

3. The Special Commission reviewed, amended and adopted the 12 Recommended Forms which had been prepared by the Forms Working Group. The Recommended Forms will be the subject of "*toilettage*" by the Permanent Bureau prior to their publication by the Hague Conference on Private International Law in accordance with Article 11(4) of the 2007 Child Support Convention.
4. At a reasonable time in advance of a future Special Commission to review the practical operation of the Convention, and after the Convention is in force and States have gained some practical experience in the application of the Convention, a Forms Working Group should be convened to work under the direction of the Permanent Bureau.
5. The Special Commission expressed its gratitude to all the members of the Forms Working Group, past and present, who have contributed to its work since its inception in January 2005.

Practical Handbook for Caseworkers

6. The Permanent Bureau will check the Practical Handbook for Caseworkers under the 2007 Child Support Convention for consistency with the Explanatory Report. It will be amended and finalised taking into account the comments made and the matters raised prior to and during the Special Commission. The revised Practical Handbook will be circulated for comments on the accuracy of the amendments. The Practical Handbook will be kept under review in the light of the experience gained by States in applying the Convention.
7. The Special Commission expressed its gratitude to the Government of Canada and the Government of British Columbia for the secondment of Hannah Roots to the Permanent Bureau, and to the latter for her outstanding work in preparing the Practical Handbook.

Recommended Country Profile Form

8. The Special Commission reviewed, amended and adopted the Recommended Country Profile Form which had been prepared by the Country Profile Sub-Committee. The Country Profile will be circulated for comments on the accuracy of the amendments. The Country Profile will be the subject of "*toilettage*" and a check by the Permanent Bureau to ensure that the points raised during the Special Commission have been accurately incorporated into the text. Once finalised, the Country Profile will be published by the Hague Conference on Private International Law in accordance with Article 57(2) of the 2007 Child Support Convention.

9. The Special Commission expressed its gratitude to all the members of the Country Profile Sub-Committee, past and present, who have contributed to its work since its inception in May 2004.
10. When the Country Profile is finalised, subject to available resources, the electronic version will be completed. The Special Commission expressed its gratitude to Alphinat Inc. for its generosity in developing the electronic version of the Country Profile.

International recovery of maintenance in respect of vulnerable persons

11. The Special Commission recognised the importance of ensuring that vulnerable persons are in a position to benefit from the provisions of the Convention. The Special Commission was of the opinion that the core scope of the Convention already covers a number of categories of maintenance obligations in respect of vulnerable persons. Moreover, the Convention contains sufficient flexibility, particularly within the provisions on scope, to enable States to bring other categories by declaration within the scope of the Convention. The Permanent Bureau should, nevertheless, continue to monitor the situation and, if experience reveals that there exist categories of maintenance obligation towards vulnerable persons which cannot be brought within the scope of the Convention under Article 2(3), or that special rules are needed in respect of vulnerable persons, this should be brought to the attention of the Council on General Affairs and Policy of the Conference.

Administrative co-operation

12. The Special Commission recommends to the Council on General Affairs and Policy of the Conference that it give serious consideration to the merits of establishing a Central Authority Co-operation Working Group as well as the relevant issues, including its potential impact upon the Hague Conference and other Hague Conventions, subject to available resources and overall consideration of the work priority of the Hague Conference.

Implementation Checklist for the 2007 Child Support Convention

13. The Special Commission gave its general support to the work of the Permanent Bureau for its continued assistance to States for the implementation of the Convention. The Special Commission reviewed the Implementation Checklist for the 2007 Child Support Convention prepared by the Permanent Bureau. The Checklist will be reviewed by the Permanent Bureau in the light of the comments received and the discussion during the Special Commission with a view to its publication. The Checklist should be kept under review in the light of the experience gained by States in implementing the Convention.

iSupport Electronic Case Management and Communication System

14. The Special Commission recognised the benefits to be derived from the use of an electronic case management and communication system for the international recovery of maintenance and gave its support in principle to the continuing phased development by the Permanent Bureau of the iSupport system for the 2007 Child Support Convention. Some States expressed an interest in contributing intellectual expertise to the ongoing work of the Permanent Bureau in respect of iSupport.
15. The Permanent Bureau expressed its thanks for the financial and practical assistance already received from States and organisations for the iSupport project. The Special Commission recognised that substantial additional voluntary contributions will be required for the project to advance.