

Global Poverty and Economic Rights: the potential of the 2007 Child Support Convention

Maja Groff

Senior Legal Officer, Permanent Bureau

Hague Conference on Private International Law

Outline

A) Intro: Hague 2007 Convention

B) International human rights law context

C) The economics of maintenance:

- Government perspectives
- Creditor perspectives
- Debtor perspectives
- International development perspectives

D) Maximizing the impact of the 2007 Convention

The Hague 2007 Child Support Convention

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- The Hague *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*, and the 2007 Protocol on applicable law, are the most recent Hague Conventions
- Convention seeks to ensure the effective international recovery of family maintenance by providing:
 - International co-operation between Central Authorities
 - International rules for the recognition and enforcement of maintenance decisions made in Contracting States
- Entered into force on 1 January 2013
- The 2007 Convention and Protocol will replace at least 5 existing multilateral treaties in force in this field

The Hague 2007 Child Support Convention

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- Sets out a broadly-based system for the recognition and enforcement of maintenance decisions made in Contracting States & expedited recognition / enforcement procedures
- Establishes a Central Authority cooperation system, where each Central Authority has a broad range of specified functions to assist in processing Convention applications
- Obligates free legal assistance for child support applications for children under the age of 21 (with minor exceptions)
- Specifies the protection of personal information
- A new global case management system, “iSupport,” is planned to leverage IT solutions to further support the swift and effective cross-border recovery of maintenance

Supported by international human rights framework

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Gives effect to Article 27(4) of the United Nations
1989 *Convention on the Rights of the Child* (UNCRC)
where States must:

“take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child [...]. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements [...].”

Supporting an international human rights framework

Reinforces obligations under the United Nations
*1966 International Covenant on Economic,
Social and Cultural Rights* :

Article 10(1): State obligations of protection and assistance to
the family “particularly while it is responsible for the care and
education of dependent children”

Article 11(1): the right of everyone (including children) “to an
adequate standard of living for himself and his family,
including adequate clothing and housing, and to the
continuous improvement of living conditions.”

Government perspectives: economics of maintenance

- 1) Canada (British Columbia): \$10.83 for every dollar invested (ratio of 11:1)
- 2) Norway: each 1 NOK collected costs .035 NOK (ratio of 29:1)
- 3) United States of America: (ratio of 5:1)
- 4) Australia: unknown ratio, but since Child Support Scheme started in 1988, \$38.47 billion transferred (96.9% of all liabilities)

Government perspectives: economics of maintenance

- “Administrative” systems (*e.g.* Norway, Australia, etc.) seem to get the most return on investment (public monies spent) versus court-based systems
- 2007 Convention invites domestic reform in the recovery of maintenance, based on obligation to provide free legal assistance (if needed) and “effective access” to procedures

Creditor perspectives: economics

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- 1) Effective access to procedures and Central Authority aspects of the Convention “level the playing field” for cross-border recovery of child support for creditors of varied means
- 2) Child support and poverty alleviation: Convention may be especially helpful with respect to parents who live or have migrated abroad for work opportunities (“North-South” dynamic)

Debtor perspectives

- 1) Protection of debtor rights important:
Convention allows for debtor applications
- 2) If maintenance amounts reasonable:
 - Contributing to the upbringing of one's child should be a positive experience
 - Inculcates sense of responsibility, involvement in child's life
 - Will see results of support: *e.g.* health, success at school, after school activities, etc.

General International Development perspectives

- 1) A number of countries on the “ODA” list are “early signers” of the Convention (*E.g.*, Albania, Burkina Faso, Bosnia and Herzegovina, Ukraine)
- 2) Cross-border maintenance can be a type of international remittance
- 3) Supplementation rather than replacement of traditional remittances (i.e. maintenance payments are backed by enforcement powers of the State)
- 4) iSupport will expedite international transfers

General International Development perspectives

Re: gendered aspect of (international)
maintenance recovery:

- “Economies rebound faster from crisis when responses focus on women’s needs” (UNWomen)
- Differential spending patterns of women (on children) and benefit of children from women’s approach to “household accounting” (Save the Children / WISE)

The potential of the 2007 Convention

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- 1) Promotion
- 2) Implementation support (Technical Assistance, other tools)
- 3) National reforms
- 4) National awareness-raising / outreach to creditors
- 5) Professional user guides: Case Worker Handbook and Judges' Guide
- 6) Electronic (IT) tools: Country Profile and iSupport
- 7) Sharing of best practices (*e.g.* this conference)

Thank you.

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Maja Groff

mg@hcch.nl

www.hcch.net