RCMOS – Revista Científica Multidisciplinar O
Saber. ISSN: 2675-9128. São Paulo - SP.
Ano VII, v.1 2026 | submissão: 02/10/2026 | aceito: 09/10/2026 | publicação: 14/10/2026

International legal cooperation and rights protection in transnational private disputes: challenges of normative fragmentation and the need for structured mechanisms

Cooperação jurídica internacional e proteção de direitos em disputas privadas transnacionais: desafios da fragmentação normativa e a necessidade de mecanismos estruturados

Cooperación jurídica internacional y protección de derechos en disputas privadas transnacionales: desafíos de la fragmentación normativa y la necesidad de mecanismos estructurados

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Abstract: This article examines how normative fragmentation affects the protection of rights in transnational private disputes and assesses how structured coordination mechanisms may reduce barriers to access to justice and the effectiveness of judgments. It adopts qualitative legal and documentary research and a functional comparison of Brazilian law, Hague Conference on Private International Law instruments, and European Union arrangements. It distinguishes international jurisdiction, applicable law, procedural cooperation, and recognition of judgments, arguing that convergence in one dimension does not ensure effective outcomes in the others. The analysis covers service, evidence, maintenance, child protection, arbitration, mediation, and the circulation of judgments, with particular attention to vulnerability, due process, and data protection. It proposes a protocol for screening, legal coordination, risk management, and implementation planning, together with evaluation criteria. The article concludes that predictability requires both adequate legal instruments and procedures connecting authorities, documents, and outcomes. The proposal operates within existing competences and does not replace judicial review or presume automatic recognition. Its effectiveness remains subject to empirical assessment and adaptation to the circumstances of each dispute.
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Keywords: international legal cooperation; private international law; access to justice; recognition of judgments; transnational disputes.

Resumo: O artigo examina como a fragmentação normativa afeta a proteção de direitos em disputas privadas transnacionais e investiga em que medida mecanismos estruturados de coordenação podem reduzir obstáculos ao acesso à justiça e à efetividade das decisões. Emprega pesquisa jurídico-documental, abordagem qualitativa e comparação funcional entre o regime brasileiro, instrumentos da Conferência da Haia de Direito Internacional Privado e soluções da União Europeia. Diferencia competência internacional, lei aplicável, cooperação processual e reconhecimento de decisões, demonstrando que a convergência em uma dessas dimensões não assegura resultados nas demais. Analisa citação, produção de provas, alimentos, proteção de crianças, arbitragem, mediação e circulação de decisões, com atenção à vulnerabilidade, ao contraditório e à proteção de dados. Propõe um protocolo de triagem, coordenação jurídica, gestão de riscos e planejamento de implementação, acompanhado de critérios de avaliação. Conclui que a previsibilidade depende tanto de instrumentos normativos adequados quanto de procedimentos capazes de conectar autoridades, documentos e resultados. A proposta organiza a atuação dentro das competências existentes, sem substituir controles jurisdicionais ou

presumir reconhecimento automático. Sua utilidade deverá ser verificada por avaliação empírica e adaptação às particularidades de cada disputa.

Palavras-chave: cooperação jurídica internacional; direito internacional privado; acesso à justiça; reconhecimento de decisões; disputas transnacionais.

Resumen: El artículo examina cómo la fragmentación normativa afecta la protección de derechos en disputas privadas transnacionales e investiga en qué medida mecanismos estructurados de coordinación pueden reducir obstáculos al acceso a la justicia y a la efectividad de las decisiones. Emplea investigación legal-documental, abordaje cualitativo y comparación funcional entre el régimen brasileño, instrumentos de la Conferencia de La Haya de Derecho Internacional Privado y soluciones de la Unión Europea. Diferencia competencia internacional, ley aplicable, cooperación procesal y reconocimiento de decisiones, demostrando que la convergencia en una de esas dimensiones no garantiza resultados en las demás. Analisa cita, producción de pruebas, alimentos, protección de niños, arbitraje, mediación y circulación de decisiones, con atención a la vulnerabilidad, al contradictorio y a la protección de datos. Propone un protocolo de selección, coordinación jurídica, gestión de riesgos y planificación de implementación, acompañado de criterios de evaluación. Concluya que la previsibilidad depende tanto de instrumentos normativos adecuados como de procedimientos capaces de conectar autoridades, documentos y resultados. La propuesta organiza la actuación dentro de las competencias existentes, sin sustituir controles jurisdiccionales o presumir reconocimiento automático. Su utilidad debe ser verificada por evaluación empírica y adaptación a las particularidades de cada disputa.

Palabras clave: cooperación jurídica internacional; derecho internacional privado; acceso a la justicia; reconocimiento de decisiones; disputas transnacionales.

1 INTRODUCTION

The circulation of people, heritage, services and information allows the same private relationship to develop under the influence of different systems. A family can maintain residence in one country, personal ties in another and property in a third. A company can hire in Brazil, receive the supply abroad and depend on documents controlled by a supplier established in another jurisdiction. In these situations, the legal problem is not limited to the identification of the material law violated: it involves knowing who can decide, according to what rules and with what possibility to make the decision effective.

The expression transnational private dispute designates, in this study, civil or commercial controversy whose relevant elements connect to more than one State. Internationality may arise from the residence of the parties, the location of goods or evidence, the performance of obligations or the place in which a particular legal effect is to be recognised. The foreign nationality of a participant is not the only criterion, nor sufficient to resolve all these issues. The international element shall be examined in relation to the request and the intended result.

Brazilian planning offers instruments to deal with this reality. The Constitution associates international action with the prevalence of human rights and cooperation between peoples, while protecting access to jurisdiction and due legal process. The Code of Civil Procedure regulates the limits of national jurisdiction and instruments of cooperation, imposing equal treatment and judicial assistance to the needy. These provisions make it possible to understand cooperation as part of the protection of rights, and not only as administrative communication between States (Brazil, 1988, Articles 4 and 5; Brazil, 2015a, Arts 21-41).

Despite this structure, protection can be interrupted between formally correct steps. A favorable decision loses usefulness if the citation was made by inappropriate means, if the proof cannot be validly used or if the good necessary for credit satisfaction is subject to different execution regime. The relevant fragmentation therefore covers the plurality of standards and also discontinuities between institutions, documents and procedures. The right recognised in a jurisdiction may remain dependent on acts that the original decision does not control.

The research problem is to determine how this fragmentation compromises the effectiveness of protection in private disputes and which coordination mechanisms can mitigate its effects without reducing procedural guarantees. The hypothesis is that treaties and national rules, although necessary, are not enough when the conduct of the case remains compartmentalized. A protocol that links screening, choice of instruments, documentary production and implementation can reduce avoidable errors. This is a normative and operational hypothesis, not a statistical result already demonstrated.

Qualitative, legal and functional comparative research is adopted. The corpus includes Brazilian legislation, conventional instruments, official tables of status of the treaties and institutional documents of HCCH, the United Nations and Brazilian authorities. The comparison with the European Union examines equivalent functions, such as the circulation of decisions and the handling of parallel procedures, while preserving institutional differences. The electronic sources were verified on October 9, 2026. The examples presented are analytical hypotheses, without assignment to actual customers or processes. 3

The cut-off focuses on family and property relationships, civil and commercial obligations and their cooperation procedures. It does not want to exhaust criminal cooperation, international insolvency, taxation or investment arbitration. The exhibition follows six axes: contextualization; normative fragmentation; protection of rights; existing mechanisms; proposal of coordination; and conclusion. The contribution is to organize an integrated reading of the path that connects the formulation of the request to the realization of the result, with

special attention to situations in which the multiplicity of countries expands inequalities already present in the conflict.

The literature on access to justice allows us to situate the problem beyond the formal availability of a forum. Cappelletti and Garth (1978) show that costs, asymmetries between litigants and institutional obstacles interfere in the practical realization of rights. At the transnational level, Brand (2011) highlights the tension between different conceptions of jurisdiction and due process in the analysis of access to justice and recognition of decisions. These studies offer a critical foundation to the hypothesis of this article: the existence of rules and procedural procedures does not in itself eliminate the difficulties of connecting the necessary steps to effective protection.

The hypotheses have an analytical function and do not constitute empirical survey. The time frame identifies the date of consultation with the sources; it does not assign to all normative texts an edition or update of 2026.

The specific gap addressed here is not the absence of conventional instruments or proposals for adequate dispute resolution, but the insufficient articulation, in the same planning tool, between the intended legal outcome, the procedural route, the risks of protection and the implementation requirements in different States. The contribution is an operational and verifiable synthesis of these dimensions, whose usefulness will depend on future application and evaluation. The selection of the comparative sources adopted three criteria: functional relevance to the private dispute, relevance to the stages of cooperation or circulation of results and existence of normative or institutional documentation verifiable. The comparison does not presuppose equivalence of competence or binding force between the schemes.

2 NORMAL FRAGMENTATION AND LIMITS OF COOPERATION

2.1 International competence, applicable law and extraterritorial effectiveness

The first necessary distinction separates international competence, applicable law and recognition. Competence responds if a given authority can judge the cause. The connection rule identifies the material right that will guide the solution. Recognition examines whether a statement already produced could have an effect on another legal order. Procedural cooperation, in turn, offers instruments for performing acts that cannot be practiced exclusively within the territory of the forum. The four dimensions relate, but are not interchangeable.

A Brazilian court can be competent and still need to consider foreign law. Conversely, the application of Brazilian law to a relationship does not in itself determine the exclusive competence of national authorities. The Law of Introduction to Brazilian Law Norms uses

distinct connections for family rights, property, obligations and successions, while the CPC organizes its own jurisdictional criteria. The joint reading of these diplomas removes the assumption that the place of the process necessarily defines the law of all its aspects (Brazil, 1942, art. 7o-10; Brazil, 2015a, art. 21-25).

In contractual obligations, the distinction affects clauses often treated as equivalent. The choice of court indicates the chosen court; the choice of law seeks to determine the material regime; the arbitration agreement assigns the resolution of the dispute to arbitrators. The validity and scope of each choice depend on its own rules. In Brazil, art.

25 of the CPC disciplines the exclusive election of foreign forum, observing its conditions and the

except for exclusive competence, while the Arbitration Law admits the choice of rules of law within its limits (Brazil, 2015a, art. 25; Brasil, 1996b, art. 2o).

Private autonomy requires particularly careful analysis outside arbitration. Article 9 of LIMDB contains criteria that do not equal a general and unrestricted authorization for the choice of law in any judicialized contract. A solution which depends on the qualification of the relationship, the special legislation and the interpretation of the forum should not be presented as peaceful. The screening should record the existing clause and examine its effectiveness, instead of treating the contractual text as a conclusive answer (Brazil, 1942, art. 9o).

As a comparative reference, Rome I and Rome II Regulations respectively organise the law applicable to contractual and non-contractual obligations in the area in which they relate. Rome I combines autonomy of will with specific protections and rules of immediate application; Rome II adopts proper connections for damages and other obligations. These instruments demonstrate the value of systematized criteria, but cannot be transported to a Brazilian cause as if they were national rules or universal treaties (European Union, 2008; European Union, 2007).

2.2 Competing jurisdictions and parallel procedures

The existence of relevant connections with different countries may make more than one competent jurisdiction. The Brazilian CPC admits competence because of the defendant's home, the place of compliance with the obligation or facts occurring in the national territory, and specific hypotheses for food, consumption and submission of the parties. These criteria do not mean that other States should renounce the judicial foundations recognized by their own systems (Brazil, 2015a, art. 21-22).

Article 24 of the CPC states that the proposed action abroad does not, by itself, induce litispendence in Brazil, except for contrary provisions of existing bilateral treaties or agreements. The pending national case also does not automatically prevent the approval of a foreign judgment. The coordination of parallel processes therefore requires investigating the applicable regime and the effects of each procedure, rather than assuming that the first legal demand will eliminate all subsequent ones (Brazil, 2015a, art. 24).

In the European Union, Brussels I bis offers common rules on competence, litispendence and connection, as well as instruments for the circulation of decisions. Its coordination depends on normative and institutional integration more intense than that existing in relations between states without this bond. The comparison shows that predictability can be expanded by prior rules of interaction, but does not allow to assume that the same mechanism operates automatically between Brazil and European countries (European Union, 2012, articles. 29-34).

To conduct a dispute, an elementary provision is to build a shared chronology of existing procedures. Requests, parties, objects, provisional measures, citation acts, appeals and possible external effects shall be included. This documentation allows identifying incompatibilities before new initiatives. It also reduces the risk of one team formulating a request that contradicts statements made by another, without turning professional coordination into a competency agreement that courts have not recognized.

2.3 Exclusive competence and public order

Not every overlap can be resolved by choice of the parties. The CPC reserves to the Brazilian authority matters as actions related to real estate located in Brazil and, in the predicted hypotheses, inventory and sharing of goods located in the country. Article 964 shall prevent the approval of a foreign decision when this exclusive national competence is present. The description of the request is decisive: it is necessary to examine the desired effect on the good and nature of the foreign command, without equating all reference to the Brazilian patrimony to the same judicial question (Brazil, 2015a, arts. 23 and 964).

A foreign sentence that brings together dissolution of marriage, food and property provisions requires analysis by chapters. The possibility of partial type-approval makes it possible to distinguish legally separable effects. This prevents an obstacle related to a given command from being treated, without examination, as an impediment to any recognition. Nor can it be concluded that partial approval ensures the recognition of the remaining parcels: each shall meet the applicable requirements (Brazil, 2015a, art. 961, § 2o).

Public policy acts as a limit to the receipt of results incompatible with fundamental principles. The CPC requires a manifest offense to refuse cooperation or approval, and the LINDB also disciplines the effectiveness of foreign acts in this field. Overly broad interpretation would convert ordinary differences between systems into impediments to cooperation. An indifferent interpretation of fundamental rights, on the other hand, would allow the circulation of effects produced without adequate procedural protection (Brazil, 1942, art. 17; Brazil, 2015a, art. 39 and 963).

It is maintained that this control should be related to the concretely intended effect. The disagreement with the merit solution is not enough to demonstrate fundamental incompatibility. However, lack of real opportunity for defense, relevant discriminatory treatment or violation of essential guarantees may require specific evaluation. The grounds for refusal should explain the affected guarantee and the link between failure and result, preserving the distinction between recognition control and cause review.

2.4 Conventional, temporal and documentary fragmentation

The participation of two countries in an international organization does not prove that they are linked to the same treaty. Even when both are in a given convention, conditions may exist for the acceptance of accessions, reservations, declarations, territorial extension or entry into force. Consultation of the official table is the beginning of the verification, and should be complemented by reading the relevant state instruments and demonstrations. The information must correspond to the countries, the matter and the time of the case.

The official tables consulted do not relate Brazil as part of the 1996 Hague Conventions on child protection, 2005 on the election of forum or 2019 on sentences. These instruments are examined in this article as comparative references, without assigning them automatic conventional application in Brazilian relations. The distinction is especially important because the participation of Brazil in other HCCH conventions can induce undue conclusions on the extension of their bonds (HCCH, 2025a; HCCH, 2025b; HCCH, 2025c). 4

Temporal fragmentation is also relevant. A convention may enter into force after the conclusion of the agreement or the initiation of the procedure, without necessarily covering that situation. The 2019 Sentences Convention, for example, relates its application to the time when the procedure was instituted in the State of origin and to the existence of conventional effects between the States involved. The update of a table does not eliminate the need to reconstruct the chronology of the case (HCCH, 2019, art. 16).

3 PROTECTION OF RIGHTS AND ACCESS TO JUSTICE

3.1 Effective access, costs and understanding of the procedure

Access to transnational justice involves the possibility of initiating the process, participating in its actions, obtaining adequate protection and achieving results in the relevant country. The formal opening of a court is insufficient when the person does not understand the communications received or is unable to gather documents required by another jurisdiction. Distance expands barriers

The status tables shall be read with their columns of ratification or accession, entry into force, declarations and territorial extension. The date of the consultation is different from the update date indicated by HCCH.

linguistic, economic and informational, which may affect parts apparently subject to the same rules.

The Brazilian Constitution protects the inaccurability of jurisdiction and legal assistance to the needy. Art. 26 of the CPC explains the equality between nationals and foreigners, residing or not in Brazil, in access to justice and in the process of prosecution. These guarantees should guide the interpretation of cooperation routines, including when the applicant depends on the performance of different bodies to make his request understandable and processable (Brazil, 1988, art. 5o; Brazil, 2015a, art. 26).

The Hague Convention on International Access to Justice, promulgated by Decree No 8.343/2014, adds instruments relating to judicial assistance and the transmission of applications between the States bound. Its impact shall respect relevant scope, conditions and declarations. It is not a matter of universal gratuitousness for all international litigation, but a normative basis to reduce obstacles that the transnational condition can impose on the exercise of rights (Brazil, 2014).

Costs need to be examined throughout the journey. In addition to fees and fees, costs of translation, interpretation, obtaining certificates, expertise and representation in the destination may arise. A budget restricted to judgment produces an incomplete picture of the viability of demand. It is proposed that the economic analysis identify steps, dependencies and alternatives of assistance, without converting financial insufficiency into justification to abandon unavailable rights or urgent situations.

3.2 Vulnerability and protection of children

Transnational vulnerability is not a homogeneous category. It can result from age, disability, economic dependence, violence, linguistic ignorance or control of documents by the other party. These factors should not be inferred only from nationality or the migratory

condition. The evaluation needs to consider how each circumstance affects the ability to understand, participate and influence the procedure, as well as the possibility of maintaining personal security during its processing.

In family conflicts, procedural time can have a direct impact on food, housing and coexistence. The 1980 Hague Convention on international child subtraction, promulgated by Decree No. 3.413/2000, establishes a mechanism aimed at returning to hypotheses of illegal transfer or retention, with its own requirements and exceptions. The decision on return does not correspond to the final judgment of the guard. Confused these functions can lead to inappropriate requests and displaced assessments of the conventional object (Brazil, 2000, articles. 3, 12-13 and 19).

The analysis of the serious risk requires attention to the test, the situation of the child and the effectiveness of protective measures. The HCCH guide on art. 13(1)(b) systematizes guidelines for this evaluation, without replacing the treaty or without individualized examination. The allegation of violence should not be treated as a bureaucratic issue; nor can it be assumed that any guarantee abstractly available abroad will be accessible and sufficient in the specific case (HCCH, 2020a).

In a judicially discussed return hypothesis, informal promises of support may not guarantee housing, protection or immediate assistance. Planning should identify which authorities have the competence to take the necessary measures, whether the instruments are feasible and when they will take effect. Cooperation only contributes to protection when shared information allows to evaluate real possibilities, preserving the confidentiality of addresses and data whose exposure may increase risks.

In European experience, Brussels II has brought together rules on matrimonial matters, parental responsibility and international subtraction, including the opportunity for the child to express his opinion according to the relevant criteria. The instrument highlights the need to connect competence, participation and circulation of measures. Its comparative usefulness lies in the organization of these functions, without its rules being taken as directly applicable to Brazil (European Union, 2019).

The option for mediation in transnational family conflicts requires prior verification of security and effective participation. The existence of violence, coercion, economic dependence or information asymmetry may render a joint negotiation inappropriate or require specific safeguards, including independent evaluation, legal assistance, location data protection and real possibility of not participating. The screening should not assume that all family conflict is mediable; the protection of the child and the limits of availability of rights condition the choice

of the procedure. The perspective of the design of dispute resolution systems also requires attention to the legitimacy, asymmetries and ethical consequences of procedural choices (Menkel-Meadow, 2009).

3.3 Contradictory, evidence and informational inequality

The regularity of the citation supports the legitimacy of the procedure and the possibility of circulating the decision. The informal knowledge that there is a demand should not be confused automatically with the forms required by the applicable regime. In transnational relations, the method of communication needs to be compatible with the rules of the forum, the incident treaty and the demonstrations of the State of destination. Article 963 of the CPC includes a regular quotation between the requirements of approval (Brazil, 2015a).

The proof may be concentrated in the hands of those with greater financial capacity or technical mastery. A company can control transaction records, while the consumer only has messages; in family conflict, income documents may remain in the debtor's country. Procedural equality requires instruments capable of obtaining legal and delimited elements. Cooperation should not justify indiscriminate requests, but it cannot be organised to make it practically impossible to demonstrate the law.

The formulation of the probationary request should relate controversial fact, document or testimony necessary and procedural purpose. This connection favors the analysis of relevance and proportionality by the requested authority. Overly wide requests may encounter obstacles in regimes that do not admit the same extent of documentary production known in the forum of origin. The literal translation of procedural expressions does not resolve differences over the powers of authority or the scope of diligence.

3.4 Effectiveness and data protection

The circulation of documents also implies processing of personal data. LGPD provides legal bases relevant to the exercise of rights and discipline international transfers in Article 33. This requires distinguishing the lawfulness of treatment from the existence of a valid transfer mechanism, as the case may be. The relationship with the judicial process does not automatically remove the obligations of purpose, need, security and accountability (Brazil, 2018, articles. 6, 7, 11, 33 and 46).

Resolution CD/ANPD no. 19/2024 regulates transfer mechanisms and approves contractual standard clauses, preserving the use of other applicable legal hypotheses. It is not right to impose these clauses indistinguishably on all shipments related to cooperation, nor to

assume that the referral to a foreign professional always amounts to cooperation between public bodies. The classification depends on the agents, purpose and actual flow (National Data Protection Authority, 2024).

The proposed protocol adopts documental minimization, access control and registration of the purpose of each sharing. Full files should be transmitted only when necessary; third party data may require specific concealment or treatment without tampering with the evidence. These practices integrate the protection of rights to the cooperation infrastructure itself. Digitization improves the transport of the document, but does not solve, by itself, competence, confidentiality or admissibility.

4 EXISTING INTERNATIONAL MECHANISMS

4.1 Direct aid, letter rogatory and central authorities

The CPC differentiates instruments according to the nature of providence and the control required. Direct aid is due when the measure is not directly the result of a foreign court decision to be subject to deliberation in Brazil. The request may involve information, evidence and other permitted measures. When it demands judicial activity in the direct passive aid, its assessment lies with the competent federal court, according to legal discipline. The name chosen by the applicant does not change the nature of the requested act (Brazil, 2015a, arts. 28-34).

The rogatory letter is part of the system of communication and performance of procedural acts between jurisdictions. In the procedure submitted to the STJ, the control preserves guarantees and does not authorize review of the merit of foreign pronouncement. Approval, in turn, is intended for the recognition of a foreign decision in the relevant circumstances. The choice must be based on concrete provision, treaty and applicable legislation, without treating direct aid as a mechanism to circumvent constitutionally required control (Brazil, 2015a, art. 36 and 960-965).

Central authorities receive and transmit requests, promoting institutional articulation according to the relevant instrument. The Ministry of Justice and Public Security, through CKDI, acts in this role for most Brazilian civil cooperation treaties. This centralization facilitates the identification of channels and requirements, but does not move to the administrative body the competence to judge merit or grant provisions reserved to jurisdiction (Brazil, s.d.).

4.2 Transnational citation and production of evidence

The 1965 Hague Convention on the service of documents, promulgated by Decree No. 9.734/2019, organizes the transmission of acts in civil and commercial matters within its scope. Brazil opposed the methods of the articles. 8th and 10th and translation requirements for documents forwarded to its central authority. Thus, the possibility of direct or postal communication cannot be assumed based on the practice of another State (Brazil, 2019).

A contractual clause that indicates e-mail address for commercial communications does not necessarily resolve the validity of international judicial citation. It is necessary to differentiate notice of default, extrajudicial notification and call for defense in process. The evaluation shall consider the nature of the act and the effects that will be attributed to it. The speed of a means of transmission is useful only if the act can validly perform its procedural function. 5

The 1970 Hague Convention on Evidence Promulgated by Decree No. 9.039/2017 offers specific mechanisms for probative cooperation. Its use should observe the Brazilian reservations and declarations, including those related to Chapter II and art.

23. A generic request for documental survey should not be equated, without analysis, to a delimited probationary diligence, because the scope admitted varies according to the applicable regime (Brazil, 2017a).

Video conferencing may reduce displacements, but depends on legal and technical conditions. The HCCH guide on video connection usage examines aspects such as responsible authority, audience organization, interpretation and integrity of the testimony. The technological tool shall allow the verification of identity, conditions of participation and absence of undue interference, in addition to ensuring effective access to the parties (HCCH, 2020b).

In a dispute over remote provision of services, for example, the witness may be abroad and the infrastructure files held in another country. Planning should separate the hearing from obtaining records, verify who controls each element and identify the necessary authorizations. At the same time, requesting everything from the same recipient may be inefficient when the acts belong to different regimes. The organization by purpose reduces the chance of a specific obstacle blocking the entire production.

4.3 Food and family protection

The 2007 Hague Convention on international food collection and the Protocol on applicable law were enacted in Brazil by Decree No. 9.176/2017. Although related, they perform different functions: the Convention structures cooperation, requests and movement of

decisions; the Protocol takes care of the determination of the right to maintenance obligations. Confused instruments may lead to the incorrect conclusion that the existence of an administrative channel solves all material issues of the obligation (Brazil, 2017b).

The validity of a communication act depends on the instrument and the rules applicable to the case. The description of electronic media in the article does not recommend its use in place of legally required channels.

The delimitation of the case requires identifying the beneficiary, the type of obligation, the States involved and the requested request. Getting a decision, recognizing existing title and executing expired portions are different measures. The system also contains rules on access to procedures and assistance, whose scope depends on conventional assumptions. Reservations and declarations should be verified, including because they may affect certain forms of recognition or agreements on food (Brazil, 2017b).

Consider the hypothesis of a child living in Brazil whose payer lives abroad. The objective is not exhausted by confirming that there is a food obligation. It is necessary to locate the debtor, identify income or equity, organize the demonstration of the parcels and check the appropriate route in the destination. When these tasks are planned only after recognition, the procedure can produce a formal victory without timely receipt of the values necessary for subsistence.

The 1996 Convention on the protection of children articulates jurisdiction, applicable law, recognition and cooperation on parental responsibility and protective measures among its participants. Its architecture is relevant for comparison because it brings together dimensions often examined separately. However, according to the official situation consulted, Brazil is not part of the instrument. The use of its solutions as a reference does not create a conventional basis for requiring the procedures provided for by Brazilian authority (HCCH, 1996; HCCH, 2025a).

The practical tool of HCCH on family agreements involving children highlights the need to examine how to make the arrangements negotiated in different States effective. The lesson used is methodological: before concluding the agreement, the path of recognition and implementation must be verified. Each clause may require its own treatment, especially when it brings together residence, living together and food. The will of adults does not dispense with child protection controls (HCCH, 2022).

4.4 Recognition of decisions and regional integration

In the Brazilian regime, the competence of the STJ to approve foreign decisions and grant exequatur arises from the Constitution. The articles 960-965 of the CPC discipline requirements, possibilities of protection and compliance, except for special regimes. Approval is not a new trial of controversy. Its function must be understood together with the later stage: when necessary the judicial compliance of the recognized decision, article 965 refers to the competent federal court (Brazil, 1988, art. 105, I, i; Brazil, 2015a).

The institutional orientation of the STJ on family law illustrates the importance of comparing object and scope of titles. In a situation involving food, the difference between the periods covered by the decisions removed the allegation of identity of the questions; in another case, the court examined the possibility of partial recognition. The examples disclosed show that the analysis requires reading of the effective commands, and not just the coincidence of the names of the parties or the category of the action (Superior Court of Justice, 2025). 6

At regional level, the Las Leñas Protocol, enacted by Decree No. 2.067/1996, provides for cooperation and judicial assistance in civil, commercial, labor and administrative matters. The instrument demonstrates that integration can simplify channels and documents without necessarily suppressing all controls of the requested State. Its use presupposes conferring the scope of the conventional relationship and the conditions of the request, avoiding treating regional proximity as a generic authorization for automatic execution (Brazil, 1996a).

As a contrast, Brussels Is exempt from a declaration of enforceability for decisions covered by its rules and enforceable in the Member State of origin. This simplification coexists with documentation, implementing rules and grounds for refusal. The European example shows that the reduction of a formal stage is not equivalent to the elimination of guarantees. The facilitated movement operates within a system that coordinates competence and effects, subject to defined material and territorial limits (European Union, 2012, Articles 36-45).

The 2019 Hague Convention on Judgments sets out criteria for recognition and enforcement in civil or commercial matters, with relevant exclusions. The instrument does not fully standardize the direct jurisdiction of the courts; it offers conditions of circulation and grounds for refusal. The distinction is central to assessing the scope of possible future convergence: recognizing more decisions does not necessarily mean preventing parallel processes or unifying material law (HCCH, 2019).

The 2005 Convention on Forum Election also provides important reference, especially in business relations covered by exclusive agreements. Its design connects the jurisdiction of the elected court and the circulation of the decision within the respective field of application.

In the official tables verified, Brazil does not appear as part of these two instruments. Its analysis therefore supports institutional comparison and reflection on policies

The institutional synthesis of the STJ distinguishes the object and periods covered by the titles and presents hypotheses of partial recognition. These elements require concrete comparison of the decisions, preserved the particularities of the processes disclosed.

cooperation without anticipating non-existent conventional obligations (HCCH, 2005; HCCH, 2025b; HCCH, 2025c).

4.5 Arbitration and mediation

International arbitration has its own structure for the circulation of sentences. In Brazil, Law no. 9.307/1996 regulates the recognition of foreign arbitration judgments, and Decree no. 4,311/2002 enacted the 1958 New York Convention. These regimes do not allow unconditional recognition: they establish requirements and hypotheses of refusal, with attention to the arbitration agreement, to contradictory and arbitrability, among other elements (Brazil, 1996b, art. 34-40; Brazil, 2002).

The choice of arbitration shall consider the nature of the right, capacity of the parties, costs, seat, urgency measures and location of assets. Its adequacy in a certain business relationship does not authorize generalization to family conflicts or unavailable rights. Even in commercial contracts, a well-written clause does not ensure that the condemned party has accessible assets. The arbitral strategy also depends on planning the execution and preservation of evidence.

Mediation may allow more adjusted solutions to the continuity of relations and coordination of obligations in different countries. Law no. 13,140/2015 disciplines principles and effects on Brazilian law, including limits on unavailable rights that admit transaction. The consensus should be free and informed, with assessment of imbalances and necessary controls. In contexts of violence or intense dependence, the adequacy of the procedure cannot be assumed only because both parties attended (Brazil, 2015b).

The Singapore Convention on International Mediation Agreements establishes arrangements for trade agreements covered by its text. It excludes, inter alia, agreements on family law, successions and work, as well as certain consumer agreements and securities subject to other schemes. Brazil approved its text by Legislative Decree No 181/2025, with reservation regarding agreements of which the Brazilian State and the public subjects indicated are part. The depositary registration informs ratification on August 6, 2025 and, by conventional rule,

international validity for Brazil on February 6, 2026 (Brazil, 2025; United Nations, 2018; United Nations, 2026). 7

The international validity registered by the depositary shall not waive the verification of the promulgation and the relevant internal rules before relying on the treaty in court. Art. 1 delimits the material field; Art. 8, 9 and 14

This update reinforces the need to qualify the agreement before choosing the instrument. An international business adjustment and a family living agreement do not circulate on the same basis only because they result from mediation. It is also necessary to verify the date of the agreement, the assumptions of internationality and the requirements in the State in which it is intended to be invoked. The promise of a consensual solution is only complete when the negotiated content can be validly implemented.

4.6 Functional summary of instruments

Table 1 lists essential objectives, instruments and verifications without replacing the examination of the specific scheme.

Table 1 - Functions of the main cooperation mechanisms

Objective Mechanism or scheme Essential verification

Communicate Convention Act 1965 or other

Destination, channel, translation and proof of the act. Procedure procedure applicable

Get proof in the 1970 Convention and rules Delimited subject matter, reserves and powers of the relevant external authority.

2007 Convention and Beneficiary regime, type of application and scope Collect conventional incident food.

Recognising CPC decision and treaty if necessary

Competence, defence, effectiveness and public order. applicable court

Execute New York Convention Judgment and Arbitral Convention Law, documents and arbitral grounds Arbitration refuses.

Implement Agreement Mediation Law and Rules Matter, title, requirements and state of internationally mediated acceptable implementation. Source: elaboration of authors, based in Brazil (1996b, 2002, 2015a, 2015b, 2017a, 2017b, 2019) and United Nations (2018).

5 NEED FOR STRUCTURE MECHANISMS

The design of dispute resolution systems shows that the choice of the procedure is not neutral: criteria of participation, transparency, review and accountability influence the

legitimacy of the result (Menkel-Meadow, 2009). The protocol presented below does not claim originality over each isolated stage — already contemplated in varying degrees by professional practices and institutional instruments. Its specific contribution regulates reserves and temporal aspects. This article does not assume a specific domestic procedural approach to implementation.

it lies in the documented connection between the four dimensions and the early definition of the desired legal effects, allowing to explain dependencies, responsible and review points.

5.1 Reasons and limits of the proposal

A protocol for the coordination of transnational private disputes organized in four dimensions is proposed: screening, legal coordination, risk management and implementation planning. Its goal is to turn scattered requirements into verifiable decisions on the case. The proposal does not create a new source of competence, does not replace treaties and does not bind authorities. It is a method of professional and institutional organization that can be adapted by legal teams, defenders and units responsible for cooperation.

The protocol shall be proportionate. A simple request for a document does not justify the same structure as a dispute over the return of children, heritage and food in three countries. The excess of routines can reproduce the barriers that are intended to be reduced. Therefore, its intensity should accompany urgency, number of jurisdictions, vulnerabilities and dependencies between measures. Standardization falls on essential questions and minimum records, preserving space for individualized legal analysis.

The unit of organization is the intended effect. Instead of recording only that there is an international divorce, one must distinguish dissolution of the bond, updating of registration, food, coexistence and patrimonial effects. Each result receives its own legal route and one responsible for accompanying it. The joint vision remains necessary to prevent one solution in one field from compromising another, but does not erase the autonomy of the rules that discipline each matter.

5.2 Case Screening and Legal Map

The screening begins with the identification of people, their territorial ties and the results sought. You must register a relevant household or residence, location of goods and evidence, existence of children or persons requiring specific protection and procedures already established. It then defines the applications and distinguishes which require decision of merit,

communication, obtaining proof, recognition or enforcement. This decomposition allows you to choose instruments from concrete functions.

The legal map relates each application to potentially competent jurisdictions, applicable law and the State in which its outcome will need to take effect. It shall indicate the source used and the date of verification. The analysis of treaties includes participation of States, duration, reserves, declarations, territorial extension and possible conditions for bilateral relations. Open fields should generate search or query task, without being filled in by analogy with another case.

The urgency is its own axis. Before completing all analysis, it may be necessary to preserve document, prevent dissipation of property or request protection measure. The Protocol shall not make urgent arrangements conditional upon the closure of administrative steps. However, it must record the foundation of anticipation and what remains pending, allowing the measure to be integrated later to the strategy without being confused with a definitive solution.

In the documentary dimension, the inventory must indicate origin, version, language, purpose and formal requirement of each piece. A decision may require a full copy; another request may depend on a specific certificate or proof of effectiveness. The person responsible shall verify whether the institutional transmission dispenses with formalities, whether there is a need for translation and whether the document contains data which must be limited. Quality results from suitability for use, not the volume of attachments.

Consider yourself a Brazilian provider that charges a foreign company for digital services. The screening should determine where the obligation should be met, what dispute resolution clause exists and where documents and assets are. The choice of procedure should take into account the economic value and cost of execution in the destination. This examination does not anticipate the merit of the collection; it identifies whether the imagined route is legally possible and proportional to the desired result.

5.3 Coordination between professionals and authorities

The communication must be based on specific issues. Asking a correspondent only to validate a foreign sentence is less useful than asking what effect it can be recognised by which procedure and with which documents. The response shall be incorporated into the strategy with reference to its object and the limitations indicated. Opinions under foreign law should not be reduced to generic conclusions when they depend on facts not yet proven.

The integrated calendar records procedural deadlines, documentary deliveries, urgent measures and acts whose practice depends on a previous step. Timeframes in different spindles

and local counting rules cannot be automatically converted by schedule systems. Each salary shall be validated by the responsible person. Relevant changes, such as appeal, partial agreement or change of address, need to be communicated to teams that depend on this information.

A single record of strategic decisions can bring together alternatives considered, basis of choice, responsible and conditions for review. Its purpose is to allow the team to understand why a certain path was taken. When new proof or normative change arises, it will be possible to reassess the decision without reconstructing the entire history from scattered messages. Access to this record should be limited to those who need it.

5.4 Risk management and data protection

Risk management shall include procedural, documentary, asset, information and personal failures. Examples are incorrect citation, incomplete translation, divergence between versions of an agreement, dissipation of goods or protected address exposure. Each risk shall be associated with a verifiable event, the possible consequence and a response measure. Empty expressions as international risk do not help to decide priorities.

Probability and impact can guide the attention of the team, provided that there are no numerical estimates without basis. In cases with little information, it is more appropriate to record the uncertainty and the need for verification. The severity of possible harm to the child or victim of violence may justify priority even without statistical calculation. The method organizes professional evaluation; it does not convert legal judgment into automatic punctuation.

Data protection requires identifying who treats the information, on which basis, for which recipient and for how long. A shared platform between offices should distinguish internal access, submission to customer and transmission to authority. Sensitive documents may require specific permissions, access registration, and revision prior to referral. The choices should observe the LGPD and, when incident, the regulation of international transfers (Brazil, 2018; National Data Protection Authority, 2024).

In the use of automated tools, translations and abstracts need to be reviewed before producing procedural effects. A system may exchange the condition of part per representative, omit exception or assign enforceable force to the document that only confirms receipt. Automation can help classify, but the conference of legal content and responsibility for the protocol remain human. Confidential information shall not be entered into services without purpose and safety assessment.

Chart 2 brings together the minimum records of the proposal, subject to adaptation to the complexity of the dispute.

Table 2 - Minimum records of the proposed protocol

Required Registry Dimension Review criteria

Requests, connections, vulnerabilities and Screening Change of facts, parts or objectives.

Emergency.

Competence, applicable law, treaties and New source, reservation or change Legal map fate of effects. normative.

Origin, version, language, purpose and Documents Requirement, inconsistency or new version.

formalities.

Local officials, dependencies and New process, deadline or measure Coordination calendar. incompatible.

Event, consequence, response and access Incident, new threat or transfer Risks and authorized data. additional.

Steps for registration, recognition or partial result, refusal or obstacle in implementation compliance. fate. Source: author preparation. Methodological proposal, subject to adaptation and empirical evaluation.

5.5 Implementation and evaluation planning

Planning implementation means defining, before the completion of the procedure, what will be necessary to achieve the result. In charge, this involves legitimate means of patrimony localization and execution requirements. On registration issues, it requires identifying the competent body and relevant documentation. In family relationships, it can cover the articulation of measures of protection, residence, coexistence and payments, without assuming that all can be decided by the same court.

An agreement shall express obligations with sufficient precision for compliance: subjects, object, moment, conditions and form of proof. Clauses dependent on acts of third parties or decisions of authorities shall recognise such dependence. A commitment to regularize a record, for example, does not guarantee that the request will be granted; the instrument may delimit the obligation to submit documents and cooperate, preserving the decision-making competence of the responsible body.

In a family hypothesis with food and coexistence in different countries, implementation may require different titles for portions of the same understanding. The team must check whether the chosen form allows recognition in the destination and whether the obligation is sufficiently determined. The HCCH family agreement tool provides reference for this functional analysis, without ensuring that all the mechanisms described are available in any combination of States (HCCH, 2022).

The evaluation of the proposal may use indicators such as requests returned for documentary failures, time between sending and responding, need for rework, cost per step and proportion of decisions effectively implemented. Data should be interpreted with caution: high duration may reflect complexity or necessary procedural assurance, and not team failure. Comparisons require minimally similar case groups and protection of personal information. 8

The experience of the right-holder should also be assessed. Did you understand the procedure? Did you get in? Was there a language barrier or technology? Did the protection continue after the decision? These questions complement productivity metrics, which alone can reward speed at the expense of quality. The proposal will be useful only if it improves the connection between procedural regularity and rights satisfaction, without increasing costs disproportionately.

5.6 illustrative application and validation limits

Consider an exclusively analytical hypothesis: two responsible for a child maintain residence links between Brazil and the United States; there is controversy about living and food, while a certain patrimony relevant to execution is located in a third State. The screening would separate the desired effects — immediate protection, definition of living together, obtaining or reviewing food and possible asset execution — without assuming single competence. The legal map would identify for each request the potential forum, applicable law, conventional instruments effectively incidents and the country in which the result would need to take effect. The team would also verify the bilateral conventional situation and any reservations before defining the cooperation route.

In coordination, professionals qualified in each jurisdiction would validate deadlines, documentary requirements and urgent measures, keeping records of decisions and their dependencies. Risk management would consider child safety, possible violence, exposure of personal data, inconsistencies between documents and the possibility of incompatible decisions. Finally, implementation planning would distinguish the formalization of each obligation, the need for recognition in destiny and possible execution. None of these steps would replace

judicial decision, control of legality or local advice. The example does not demonstrate superiority of the protocol; it only explains its logic and the points susceptible to subsequent evaluation.

The suggested evaluation constitutes a research agenda. The article does not provide a database, sample of processes or estimates of cost reduction and time limits attributable to the protocol.

In conceptual terms, compartmentalized conduction can treat citation, proof, decision and execution as successive and isolated problems. The proposed coordinated conduction records, since the screening, the purpose and dependence between these measures. Comparison is an organization hypothesis, not an empirical finding. In a future study, its usefulness could be examined through comparable cases, with indicators of document rework, incidents of protection, costs per step, time of cooperation and effective implementation, controlling the complexity and normative differences.

6 CONCLUSION

The normative fragmentation in transnational private disputes stems from the coexistence of competency criteria, connection rules, cooperation instruments and recognition regimes. Its presence does not represent, by itself, a defect of the system: part of this diversity corresponds to the autonomy of states and the specialization of matters. The problem arises when differences remain invisible in the conduct of the case or when there are no adequate procedures to manage its consequences.

The research demonstrates, on the legal-documental level, that the protection of rights depends on the articulation between stages. The jurisdiction of the court does not ensure that evidence is obtained; the judgment does not guarantee recognition; recognition does not imply automatic fulfilment of the obligation. Procedural guarantees go all the way and prevent efficiency from being measured only by the number of acts transmitted or by the speed of the decision.

The instruments examined offer relevant but partial responses. Conventions on citation and evidence organize specific diligence; food regimes and family protection relate cooperation and personal needs; arbitration and mediation have their own fields of application. European experience demonstrates possibilities for more intense coordination, linked to an institutional structure that cannot be assumed in other relations. The conventional update requires distinguishing signature, ratification, duration and conditions of application.

The proposed structured mechanism brings together screening, legal coordination, risk management and implementation planning. Its basis is to make verifiable the relationship between each application, the competent authority, the necessary documents and the effect sought. Its main potential advantage is to prevent incompatibilities and omissions before they become obstacles in the state of destination. This advantage remains a hypothesis to be tested, not as a proven quantitative improvement.

To improve predictability, it is recommended that institutions maintain updated guidelines by instrument and country, with identification of versions and referral criteria. To expand coordination, it is necessary to define responsibilities and register dependencies between acts. To protect rights, screening should incorporate vulnerability, access to assistance, linguistic understanding and information security. Such measures may be progressively implemented within existing competences.

The contribution of the study is to shift the organization of the case to the legally feasible result, without withdrawing centrality from the contradictory and recognition controls. Cooperation gains consistency when each stage prepares the following and when the limits are explained before creating expectations of international effectiveness. The development of empirical research, with comparison of transparent cases and indicators, can verify which practices reduce rework and increase effective access to guardianship.

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