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EUROMED JUSTICE III PROJECT
PROJET EUROMED JUSTICE III



OPENING CONFERENCE
Brussels, 29 February 2012
2nd COMPONENT

CONFÉRENCE D'OUVERTURE
Bruxelles, le 29 février 2012
2^{ème} Composante

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Euromed Justice III est un projet mis en œuvre par un consortium dont le chef de file est l'IEAP





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COMPONENT II

Resolution of Cross-Border Family Conflicts

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OBJECTIVES

Develop judicial cooperation in civil matters, in particular through assistance in the field of cross-border family conflicts resolution

Enhance cooperation in civil justice and explore possibilities to liaise and create synergies with the relevant EU cooperation units and networks

Strengthen the contacts between the Judicial Training Centres of the ENPI South partner countries in the field of family law and judicial co-operation in civil matters

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Activities and Outputs

1 Working Group

1 Handbook

1 Research Report

3 Training sessions

1 Study Visit

1 Train-the-Trainers Module

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RESEARCH REPORT

Comparative review of the current situation of national experiences in the ENPI South region in the field of resolution of cross-border family conflicts .

AIM: To support the continued development of judicial co-operation in such cross-border conflicts, and help to identify weaknesses as well as strengths in the resolution of such cases.

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RESEARCH REPORT

RESEARCH
REPORT

External
expertise

Questionnaire:
agreement on
the scope and
content

Technical
visits

Discussion
and
validation of
the results

Publication

To be
presented
during the
2nd Regional
Conference

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WORKING GROUP on Resolution of Cross-Border Family Conflicts

Reinforce cooperation in cross-border family conflicts through exchange of best practices

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WORKING GROUP

Think-tank for
discussion and
debate

Multilateral
approach

The WGs will be in
English, French and
Arabic

With
simultaneous
translation

European
experts/International
Organisations'

Experts/Other Relevant
Organisations/Institutions

3 experts
per country

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Working Group II

Resolution of Cross-Border Family Conflicts

Prepare a Handbook in the framework of
resolution of cross-border family
conflicts describing approaches and best
practices concerning custody and visiting
rights

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Working Group II – 5 Meetings

Most relevant subjects

- **An overview of the General Principles and Guide to Good Practice on Transfrontier Contact concerning Children prepared by the Hague Conference on Private International Law.**
- **Private International Law and mixed marriages, in particular:**
 - **Problems related to the recognition abroad of decisions in cross-border family disputes;**
 - **Problems related to the decisions by religious courts or taken on the basis of religious texts;**
 - **Establishment of the criterion governing jurisdiction in matters of child protection;**
 - **The importance of speedy judicial and administrative proceedings in order to avoid separating the child from a parent.**

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Working Group II

- **The practical ways of ensuring children's right to maintain personal relations with both parents, in particular visiting rights**
- **Problems involved in serving abroad decisions made in cross-border family conflicts**
- **Role of international commissions and other types of mediation**
- **Systems and experiences from selected EU MS**
- **Psychological aspects of cross-border family conflicts and safeguarding the interests of the child**

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TRAINING ACTIVITIES

Objectives

- Provide a common understanding of the conventions and legislation being the subject of each event
- Include practical experience in applying the rules
- Ensure an exchange of experience and an understanding of cases and the framework within which they are decided upon in different jurisdictions

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TRAINING ACTIVITIES

- **3 training activities**
- **4 participants per country**
- **The working languages of the training sessions will be English, French and Arabic, with simultaneous translation**
- **2nd phase of the Project**

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1st Training Event: International, EU and National Legislation

- Current legislation in place in the field of cross-border family conflicts.
- Stage of implementation of main international legal instruments in the ENPI South partner countries.
 - Example(s) of how said EU legislation and international conventions have been implemented in selected EU MS: Problems encountered and solutions found.
- Case studies: Presentations and/or workshops on cases of cross-border family conflicts before the national courts.
- EU/International legislative initiatives in the pipeline.
- The composition, role, function and work of the EJM in Civil and Commercial matters in general, and in the field of family law, in particular its relations with non-EU MS.

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2nd Training Event: Dispute Resolution Structures and Recognition of Decisions in Cross-Border Cases

- The distribution of competences between religious and civil jurisdictions and other dispute resolution bodies in the ENPI South countries
- Specific problems related to the recognition abroad of decisions in cross-border family disputes
- Establishing the criterion governing jurisdiction in matters of child protection (e.g. habitual residence or nationality or religion of the child)
- Overview of current legislation in place (EU legislation, international conventions, etc.) in the field of cross-border family conflicts

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3rd Training Event: Alternative Dispute Resolution (ADR) and Mediation

- **The ADR and the mediation in the resolution of cross-border family conflicts**
 - **The importance of speedy judicial and administrative proceedings in order to avoid separating the child from a parent**
 - **Practical ways of ensuring children's right to maintain personal relations with both parents, in particular visiting rights**

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STUDY VISIT

- Under this second component, one study visit will take place involving 1 representative of each ENPI South partner country and lasting indicatively 3 days.
- The topics to be addressed during the study visit will be decided jointly during the WG meetings based on the needs identified by the participants.

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TRAINING MODULE

- One training module will be developed in the framework of this component.
- The training material produced during the implementation phase, and more specifically during the training sessions, will constitute the training module.

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**Thank you for
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