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EUROMED JUSTICE III PROJECT/PROJET EUROMED JUSTICE III



## Training Seminar 2.4

# Component II. Resolution of cross-border family conflicts.

## EU, EU MS and ENPI SPC cross-border regulations and cross-border family conflicts.

Rome, 18-20 November 2014

Project implemented by a consortium led by EIPA/Projet mis en oeuvre par un consortium conduit par l'IEAP





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## TS 2.4

### Justification and objectives (I)

- In the previous phases of the project we could identify some of the major problems that can be found in an intermediate area between family law, cross-border regulations and internal security regulations.
- One concrete example is the lack of an adequate regulation to obtain a visa for exercising the parental contact right with children in the Euro-Mediterranean area, including the specific EU cross-border regulation. Other examples include the problem of coherence between preventive police measures to avoid child abduction in border controls and the due coordination with the judicial and administrative authorities; or the problems with assimilating in the EU MS regulation of certain specific family law institutions (assimilation with the adoption or assimilation of family reunification and others) with substantial cultural and sociological impacts.



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### Justification and objectives (II)

The objective of this training seminar would be to draw up a catalogue of problems in these fields. During both the working groups developing the written deliverables and the seminars on family law issues under this project, participants repeatedly stressed the importance of these topics and pointed to the lack of a regional analysis. For all these reasons, we consider these topics as urgent and appropriate.



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### Main topics suggested for discussion (I)

(Tentative)

- Which are the main needs in order to improve resolution of cross-border family conflicts through better cross-border regulations? Are the EU and the ENPI SPC cross-border regulations adapted to the problems and situations of cross-border family conflicts?
- Importance of an in-depth analysis of some ENPI SPC family law institutions and their regulation in the EU internal law, with special emphasis on the immigration regulation.

What is the current situation/solution in the field of family law of the EU MS related to certain family institutions of the ENPI SPC? Special reference to the *Kafala* and to cross-border and immigration regulations.



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### Main topics suggested for discussion (II)

(Tentative)

- Child abduction: cross-border family conflicts and cross-border control from a police perspective.
- What are the current situation and tendency from a legal point of view in cases of illegal immigration of unaccompanied minors as regards their protection and return, and the exercise of parental responsibility?



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### Methodology and Target Group

We propose to implement this activity as a three-day training seminar with up to four participants from each of the beneficiary countries. We furthermore propose that the topics be treated in a “plural perspective”, i.e. participants should be policy-makers from the Ministries of Justice and practitioners, who approach the issues from different angles, namely judges, prosecutors, representatives of Bars Societies or specialised NGOs, police officers and officials from other administrative authorities charged with cross-border cooperation and controls, or experts in procedural law (criminal and family law).

The event will be organised as a combination of presentations and discussions, with the main issues identified or discussed being summarised at the end of each session.