



Project funded by the
European Union



EUROMED JUSTICE III PROJECT

Component II

Resolution of cross-border family conflicts

WG 2.3

PREPARATION OF A HANDBOOK

Handbook on best practices concerning the resolution of cross-border family conflicts: custody and visiting rights.

“Resolution of cross-border family conflicts: custody and visiting rights. Private International Law and mixed marriages. Special reference to child abduction”.

11-13 December 2012

Madrid (ES)

AGENDA

Tuesday 11 December 2012

09.00 – 09.15 **Registration of participants**

09.15 – 09.30 **Welcome speech**

Ángel LLORENTE FERNÁNDEZ DE LA REGUERA, Director General of International Judicial Cooperation and Relations with Denominations, Ministry of Justice, Spain.

Andrés SALCEDO VELASCO, Team Leader of the EuroMed Justice III Project

09.30 – 09.45 **Presentation of the participants (if needed)**

09.45 – 10.00 **Summary of the work carried out during the second meeting**

Andrés SALCEDO VELASCO

Debate

10.00 - 10.15 **Working group on Resolution of cross-border family conflicts. Work programme, timing and methodology.**

José María FERNÁNDEZ VILLALOBOS, Course Manager of the EuroMed Justice III Project.

10.15 - 10.45 **Scope and general contents of the debate during this meeting of the Working Group.**

Juliane HIRSCH, Main Short-Term Expert

10.45 - 11.15 Coffee break

11.15 - 13.15 **Continuation of the discussion started during the 2nd meeting on best practices in the field of resolution of cross-border family conflicts: How to improve the co-operation between States on different levels – governmental, administrative and judicial co-operation.**

Juliane HIRSCH

Project Team

13.15 - 14.30 Lunch

14.30 - 16.00 **Child abduction and other cross-border family conflicts: practical approach. The Spanish experience.**

Mr Javier FORCADA, Legal Advisor, General Directorate of International Judicial Cooperation and Relations with Denominations, Spanish Ministry of Justice

Debate

16.00 - 16.30 Coffee break

16.30 - 17.30 **Current situation regarding resolution of cross-border family conflicts in the ENPI South partner countries: Preliminary review of actual or potential obstacles to the ratification, transposition and/or implementation of the Hague Conventions. (I)**

ENPI South partner countries

Juliane HIRSCH

Project Team

Debate

End of the first day

Wednesday 12 December 2012

08.45 - 09.15 **Current situation regarding resolution of cross-border family conflicts in the ENPI South partner countries: Preliminary review of actual or potential obstacles to the ratification, transposition and/or implementation of the Hague Conventions. (II)**

ENPI South partner countries

Juliane HIRSCH

Project Team

Debate

09.15 - 09.30 Break

09.30 - 11.00 **Discussion on best practices in the field of resolution of cross-border family conflicts Establishing the criterion governing jurisdiction in matters of child protection. (I)**

Juliane HIRSCH

Project Team

11.00 - 11.30 Coffee break

11.30 - 13.00 **Discussion on best practices in the field of resolution of cross-border family conflicts Establishing the criterion governing jurisdiction in matters of child protection. (II)**

Juliane HIRSCH

Project Team

13.00 - 14.30 Lunch

14.30 - 16.15 **Discussion on best practices in the field of resolution of cross-border family conflicts. Specific problems related to the recognition abroad of decision in cross-border family disputes, including decisions by religious courts or taken on the basis or religious texts.**

Juliane HIRSCH

Project Team

End of the second day

Thursday 13 December 2012

08.30 - 10.00 **Discussion on best practices in the field of resolution of cross-border family conflicts. Wrongful removal or retention of children: The importance of speedy judicial and administrative proceedings in order to avoid separating the child from one of the two parents, urgent measures.**

Juliane HIRSCH

Project Team

10.00 - 10.30 Coffee break

10.30 - 12.00 **Helping to solve cross-border family conflicts: complementary perspectives.**

The Rt. Hon. Lord Justice THORPE, Head of International Family Justice for England & Wales, United Kingdom.

Debate

12.00 - 13.00 **Discussion on best practices in the field of resolution of cross-border family conflicts. Child abduction (I)**

Juliane HIRSCH

Project Team

13.00 - 14.00 Lunch

14.00 - 15.30 **Discussion on best practices in the field of resolution of cross-border family conflicts. Child abduction (II)**

Juliane HIRSCH

Project Team

15.30 - 15.45 **Preparing the intermediate work and next meeting. Review and suggestions for training events and study visits that should be developed under this component.**

Project Team

15.45 - 16.00 **Conclusions and closure of the meeting**

Project Team, Andrés SALCEDO VELASCO

End of the meeting

GENERAL INTRODUCTION

This meeting takes place under the second main component of the project: Resolution of Cross-Border Family Conflicts. The objectives of this activity will be to have a preliminary review of actual or potential obstacles to the adoption of the Hague Conventions related to this component and, as main objective, to prepare a handbook which identifies best practices concerning the resolution of cross-border family conflicts. The Handbook shall take into account the experience of the Hague Conference and of the Malta Process and in particular “the General Principles and the Guide to Good Practice on Transfrontier Contact concerning Children” prepared by the Hague Conference on Private International Law. This is the third of 5 meetings devoted to this issue and will focus more particularly on “Resolution of cross-border family conflicts: custody and visiting rights. Private International Law and mixed marriages. Special reference to child abduction.”

Methodology for the preparation and delivery of the handbook: the Working Group will function as real think-tank in the field covered and will be an opportunity to exchange information and debate on various topics. The results of the work of the WG will be of paramount importance to obtain specific information on the legal systems and have in-depth discussions on the topics concerned. In addition, the handbook will also be able to be used as a practical guide. The handbook will be prepared in time to be presented during the Intermediate Regional Conference in the course of the second year of the project.

During this third meeting, we will continue the work started on the occasion of the first and second meeting and will have a new opportunity to share the international experts’ opinion and the participants’ first approach on the main topics to be discussed from their own perspective and respective competences. Through an in-depth and detailed discussion, we will have a profound exchange on the main topic addressed during this third meeting on “Resolution of cross-border family conflicts: custody and visiting rights. Private International Law and mixed marriages. Special reference to child abduction.”

PROFILES OF THE BENEFICIARIES COUNTRIES’ EXPERTS

Three participants maximum for each Mediterranean partner country: senior, high-level officials from the Ministry of Justice or other relevant public authority; members of the judiciary and other legal professionals; academics and representatives from civil society with a solid experience of the topics covered by this WG (Cross-border family conflicts, custody and visiting rights, international private family law, role of international commissions, the Malta process, child abduction, transfrontier contact concerning children, distribution of competences between religious and civil jurisdictions, alternative dispute resolution methods, etc); prior participation in relevant EuroMed Justice I or EuroMed Justice II project activities will be an advantage; availability for and readiness to the intensive work schedule involved by the WG activity and researching, preparing for WG meetings, contributing to finding documentation and to the drafting of the handbook; ability to understand and express themselves orally and in writing in English and/or French (at least the written communications/contributions should be in English or French). Due attention will be paid to ensuring that persons taking part in activities related to exchanges of experience and good practices hold strategic positions in the national institutions and that, in this capacity, they will be likely to share with their colleagues and staff lessons learned from such activities.

The experts (3) should have the appropriate profile, a comprehensive knowledge and vision, a sound experience in this field and willing to make an effective contribution to the working group. This will require not only that their country of origin allows them to have enough time available to attend the five meetings planned for this activity, but more specifically, that between each meeting they have enough time to keep on working together and with the main short-term expert in charge of working out the handbook and the Project Team, virtually, through the project website, and/or other means (email, etc.) so as to allow for the continuity of the work and an exchange of information, documentation and ideas with each other. For this reason, it would be **highly desirable that the same persons attend all the meetings of this working group** or at least that the head of delegation be the same for each meeting.

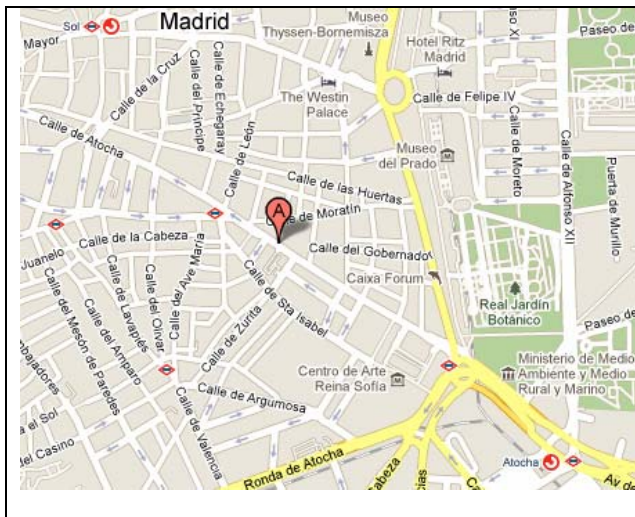
DOCUMENTATION

A list of suggested reading documents related to the topics addressed will be provided by the Project Team ahead of the meeting.

WORKING LANGUAGES

English, French and Arabic, with simultaneous interpretation throughout the meeting.

VENUE AND ACCOMMODATION



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