



Project funded by the
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EUROMED JUSTICE III PROJECT

Component II

Resolution of cross-border family conflicts

WG 2.4

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. Mediation and other means of Alternative Dispute Resolution”

The Hague (NL), 5-7 March 2013

AGENDA

Tuesday 5 March 2013

09.00 – 09.15 **Registration of participants**

09.15 – 09.30 **Welcome speech**

Louise Ellen TEITZ, First Secretary, Hague Conference on Private International Law.
(HCCH)

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 third meeting.**

Andrés SALCEDO VELASCO

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 third meeting on best practices in the field of resolution of cross-border family conflicts: custody and visiting rights. Private international law and mixed marriages, special reference to child abduction. Discussion and agreement on the working document prepared by the main short-term expert as a result of the third meeting held in Madrid. (I)**
Juliane HIRSCH
Project Team
- 13.15 – 14.30 Lunch
- 14.30 – 16.00 **Continuation of the discussion started during the third meeting on best practices in the field of resolution of cross-border family conflicts: custody and visiting rights. Private international law and mixed marriages, special reference to child abduction. Discussion and agreement on the working document prepared by the main short-term expert as a result of the third meeting held in Madrid. (II)**
Juliane HIRSCH
Project Team
- 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. Mediation and other means of ADR, rendering agreements legally binding and enforceable, hearing the voice of the child and domestic violence protection (I)**
ENPI South partner countries (4 delegations)
Juliane HIRSCH
Project Team
Debate

End of the first day

Wednesday 6 March 2013

08.30 – 09.30 **Current situation regarding resolution of cross-border family conflicts in the ENPI South partner countries. Mediation and other means of ADR, rendering agreements legally binding and enforceable, hearing the voice of the child and domestic violence protection (II)**

ENPI South partner countries (4 delegations)

Juliane HIRSCH

Project Team

Debate

09.30 – 11.00 **Mediation and other means of ADR methods: The work developed by the Hague Conference and work in progress.**

Kerstin BARTSCH, Legal Officer, International Family Law and International Child Protection Law, Hague Conference on Private International Law (HCCH).

11. 00 – 11.30 Coffee break

11.30 – 13.00 **Discussion on best practices in the field of resolution of cross-border family conflicts. The use of mediation and other means of alternative dispute resolution in cross-border family conflicts. Special challenges (I)**

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. The use of mediation and other means of alternative dispute resolution in cross-border family conflicts. Special challenges (II)**

Juliane HIRSCH

Project Team

16.15 – 16.30 **Website project support: an update.**

Dania SAMOUL, Co-ordinator of the Euromed Justice III Project.

End of the second day

Thursday 7 March 2013

08.30 – 10.00 **Discussion on best practices in the field of resolution of cross-border family conflicts. Mediation and other means of alternative dispute resolution in cross-border family conflicts. Rendering agreements legally binding and enforceable in the different ENPI South partners concerned.**

Juliane HIRSCH

Project Team

10.00 – 10.30 Coffee break

10.30 – 12.00 **Discussion on best practices in the field of resolution of cross-border family conflicts. Mediation and other means of alternative dispute resolution in cross-border family conflicts. Special challenges in child abduction cases.**

Juliane HIRSCH

Project Team

12.00 – 13.00 **Discussion on best practices in the field of resolution of cross-border family conflicts. Hearing the voice of the child in international family conflicts – in court / in the course of mediation and similar alternative dispute resolution processes.**

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. Domestic violence accusations in international family conflicts – protective measures, suitability of mediation and similar means of alternative dispute resolution.**

Juliane HIRSCH

Project Team

15.30 – 15.45 **Preparing the intermediate work and next meeting. Review of 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 fourth of 5 meetings devoted to this issue and will focus more particularly on “Resolution of cross-border family conflicts: custody and visiting rights. Mediation and other means of alternative dispute resolution.”

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 fourth meeting, we will continue the work started on the occasion of the first three meetings 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 on the agenda

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



**The working group meeting
will take place at:**

**PARK HOTEL DEN HAAG
Molenstraat 53
2513 BJ Den Haag, the
Netherlands
Tel. : +31 70 3624371**

www.parkhoteldenhaag.nl