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## **EUROMED JUSTICE III PROJECT**

### **COMPONENT II: RESOLUTION OF CROSS-BORDER FAMILY CONFLICTS**

#### **Second Training Seminar: “Dispute Resolution Structures. Recognition and Enforcement of Decisions in Cross-border Cases”**

**Lisbon (PT), 28-30 January 2014**

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### **FINAL CONCLUSIONS**

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The second training seminar under the component “Resolution of cross-border family conflicts” of the EuroMed Justice III Project of the European Commission, funded by the European Union, was held on 28-30 January 2014 in Lisbon (PT).

The participants were members of the delegations of the following Mediterranean Partners: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine and Tunisia. The speakers came from France, Germany, Israel, Morocco and Portugal. In addition, among the speakers there was also the First Secretary of the Hague Conference on Private International Law.

The training seminar was opened by Patrícia Albuquerque Ferreira, Deputy Director-General, Directorate-General for Justice Policy, Portuguese Ministry of Justice; and by Mr Salcedo Velasco, Team Leader of the EuroMed Justice III Project, who welcomed the participants. The seminar was also closed by Andrés Salcedo. In addition, Ms María José Castelo Branco, representative of the Portuguese Ministry of Justice, International Cooperation Department, also took part in the seminar.

The background, the context and the structure of the training seminar, including the overall approach and the main topics suggested for discussion, were introduced by the Team Leader and the Course Manager of the Project Team, Mr José María Fernández Villalobos, implementing the EuroMed Justice III Project.

Then the participants took the floor to introduce themselves and to present the current situation in the ENPI South partner countries on the distribution of competences between religious and civil jurisdictions and other dispute resolution bodies.

Furthermore, six presentations were made during the seminar: “The work developed during the first phase of the project related to resolution of cross-border family conflicts, with special reference to the “Handbook on good practices concerning the resolution of cross-border family conflicts, with a special focus on cross-border disputes concerning parental responsibility”; “Enforcement of decisions in cross-border cases: special reference to the work of the Hague Conference.”; “Enforcement of civil and religious courts judgments.”; “Resolution of cross-border family conflicts: the Portuguese experience. Relations between the religious and civil jurisdictions.”; “Unification of the case-law between religious and civil jurisdictions in the ENPI South partner countries.”; and “Establishing the criterion governing jurisdiction in matters of child protection. Overview of current legislation (EU legislation, international conventions, etc) in the field of cross-border family conflicts litigation. Specific problems related to the recognition abroad of decisions in cross-border family disputes, including decisions by religious courts or taken on the basis of religious texts”.

During these presentations, the speakers analysed the different approaches related to the topics being considered, especially from a practical point of view, as well as the legal international framework.

Considering the objectives of this training seminar and taking into account the debate and discussions held during the seminar, the participants had the opportunity:

- To examine over a period of three days, and from an international angle, the different topics on the agenda.
- To keep abreast of the current situation and future developments in each Mediterranean Partner regarding the topics covered by this seminar and to have a fruitful debate on the state of play in this field in the ENPI South area, whilst presenting their respective experience and legal framework.
- To get a better insight into the current European and international framework related to resolution of cross-border family conflicts.
- To receive a general overview related to the work developed during the 1st phase of the project, with special reference to the handbook on good practices concerning the resolution of cross-border family conflicts.
- To have an in-depth discussion on and a practical approach to the work of the Hague Conference regarding enforcement of decisions in cross-border cases.
- To have a fruitful and exhaustive debate on the enforcement of civil and religious courts judgments in the region.
- To discuss the situation related to the unification of the case-law between religious and civil jurisdictions in the ENPI South partner countries with special reference to the distribution of competences between the family courts.
- To hear what the Portuguese experience of resolution of cross-border family conflicts is.
- To have an in-depth discussion on how to establish the criterion governing jurisdiction in matters of child protection, while getting an overview of current legislation (EU legislation, international conventions, etc) in the field of cross-border family conflicts litigation. Specific problems related to the recognition abroad of decisions in cross-border family disputes, including decisions by religious courts or taken on the basis of religious texts.
- To explore the means to further promote an exchange of knowledge, experience and best practices, including information about the utilisation of the TAIEX programme.
- To receive the suggested reading documentation list related to the topics examined as support to facilitate the discussion and debate during the training seminar.

Participants are grateful to the Portuguese Ministry of Justice, to the Directorate-General Development and Cooperation – EuropeAid, European Commission, and to the Project Team for organising this training seminar.

The participants present during the reading of this document approve the conclusions of this seminar.

Lisbon, 30 January 2014