



Project funded by the
European Union

EUROMED JUSTICE III PROJECT



COMPONENT II RESOLUTION OF CROSS-BORDER FAMILY CONFLICTS

T.S 2.2

2nd Training Seminar

**“DISPUTE RESOLUTION STRUCTURES. RECOGNITION AND
ENFORCEMENT OF DECISIONS IN CROSS-BORDER CASES”**

LISBON (PT), 28-30 January 2014

AGENDA

Monday 27 January 2014

19.30 – 21.00 Dinner for the representatives of the ENPI South partner countries.

Tuesday 28 January 2014

09.00 – 09.15 **Registration of participants**

09.15 – 09.30 **Welcome speeches**

Patricia Albuquerque FERREIRA, Deputy Director-General, Directorate-General for Justice Policy, Ministry of Justice, Portugal.

Andrés SALCEDO VELASCO, Team Leader of the EuroMed Justice III Project, Barcelona (ES).

09.30 – 09.45 **Presentation of the EuroMed Justice III Project. Main topics suggested for discussion, the working programme and the methodology that will be applied during the seminar.**

Andrés SALCEDO VELASCO

José María FERNÁNDEZ VILLALOBOS, Course Manager of the EuroMed Justice III Project, Barcelona (ES).

09.45 – 10.45 **Presentation of the work developed during the 1st phase of the project related to Resolution of cross-border family conflicts. 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”.**

Juliane HIRSCH, Main Short-Term Expert in charge and author of the above-mentioned handbook.

Debate

10.45 – 11.15 Coffee break

11.15 – 13.00 **Tour de table. Self-presentation of the participants and presentation of the current situation in the ENPI South partner countries on the distribution of competences between religious and civil jurisdictions and other dispute resolution bodies in the ENPI South Countries. (I)**

*Each delegation will have **some 12-15 minutes** to present itself and the current situation about the topics covered by this seminar in its own country.*

Debate

13.00 – 14.30 Lunch

14.30 – 15.30 **Tour de table. Self-presentation of the participants and presentation of the current situation in the ENPI South partner countries on the distribution of competences between religious and civil jurisdictions and other dispute resolution bodies in the ENPI South Countries. (II)**

*Each delegation will have **some 12-15 minutes** to present itself and the current situation about the topics covered by this seminar in its own country.*

Debate

15.30 – 16.00 Coffee break

16.00 – 17.30 **Enforcement of decisions in cross-border cases: special reference to the work of the Hague Conference.**

Philippe LORTIE, First Secretary, the Hague Conference on Private International Law, Permanent Bureau, The Hague (NL).

Debate

End of the day

Wednesday 29 January 2014

09.30 – 11.00 **Enforcement of civil and religious courts judgments.**

Mohamed HADDOUTI, Vice-president of the Nador Court of First Instance, President of Chamber at the Family Justice Section, Morocco.

Debate

11.00 – 11.30 Coffee break

11.30 – 13.00 **Resolution of cross-border family conflicts: the Portuguese experience. Relations between the religious and civil jurisdictions.**

António José FIALHO, Senior Judge at the Barreiro Family and Minors Court, Portugal.

Debate

13.00 – 14.30 Lunch

14.30 – 16.30 **Unification of the case-law between religious and civil jurisdictions in the ENPI South partner countries.**

Ben Tzion GREENBERGER, Liaison Judge for the State of Israel, International Hague Network of Judges, Hague Convention on Child Abduction, Israel.

Debate

End of the day

Thursday 30 January 2014

09.30 – 11.00 **Tour de table. Self-presentation of the participants and presentation of the current situation in the ENPI South partner countries on the distribution of competences between religious and civil jurisdictions and other dispute resolution bodies in the ENPI South Countries. (III)**

*Each delegation will have **some 12-15 minutes** to present itself and the current situation about the topics covered by this seminar in its own country.*

Debate

11.00 – 11.30 Coffee break

11.30 – 13.00 **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. (I)**

Estelle GALLANT, PhD in Private Law, Senior Lecturer at Paris 1 University, Paris (FR).

Debate

13.00 – 14.30 Lunch

14.30 – 15.30 **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. (II)**

Estelle GALLANT

Debate

15.30 – 16.00 **Plenary session, debate, conclusions. Closure of the seminar.**

José María FERNÁNDEZ VILLALOBOS

Andrés SALCEDO VELASCO

End of the training seminar

GENERAL INTRODUCTION

The project

The EuroMed Justice III project funded by the EU with a budget of € 5 million over the period 2011-2014, follows the success of EuroMed Justice I and II such as the development of a Euro-Mediterranean area of cooperation in the field of justice by supporting the development of the partners' capacity and backing the modernisation of justice, including an improved access to justice.

This project is being implemented by a consortium led by the European Institute of Public Administration (EIPA) and composed of FIIAPP (*Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas*), IRZ (*Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit*) and SOFRECO (*Société Française de Réalisation d'Études et de Conseil*). EIPA Barcelona is the Programme Management Unit for the EuroMed Justice III Project.

The beneficiaries of this project are the ENPI South countries: the People's Democratic Republic of Algeria, the Arab Republic of Egypt, Israel, the Hashemite Kingdom of Jordan, Lebanon, the Kingdom of Morocco, Palestine, the Syrian Arab Republic (formally part of the project even if there is a partial and temporary suspension of the EuroMed Justice III project in terms of Syrian participation), the Republic of Tunisia and Libya, as new ENPI South Beneficiary Country of the Project.

The EuroMed Justice III project addresses in particular issues related to the themes of Access to justice and legal aid, Resolution of cross-border family conflicts and Criminal and penitentiary law.

The project activities mainly consist in carrying out Working Groups (1st phase) and in organising Training sessions and Study visits covering the 3 components of the project (2nd phase). Research Reports and Handbooks were produced during the 1st phase and Training materials will be presented during the second phase of the project.

The training seminar

This seminar takes place under the second main component of the project "Resolution of cross-border family conflicts".

Most experts consider that training is the core issue in any process of change affecting well functioning institutions and good governance. A complete training, balanced and plural, is a prerequisite if the Justice Administration system wants to be respected and worthy of respect. For this reason, this second phase of the EUROMED JUSTICE III Project will play a relevant role through the training activities in order to contribute to the strengthening of the Euro-Mediterranean justice area.

The title of this seminar “Dispute resolution structures. Recognition and enforcement of decisions in cross-border cases”.

In particular, this session is mainly focused on the distribution of competences between religious and civil jurisdictions and other dispute resolution bodies operating in the region and the relationship between them. In addition, and among other topics to be discussed, there will be an analysis of the main and specific problems related to the recognition abroad of decisions adopted in cross-border family disputes or the importance of establishing the criterion governing jurisdiction in matters of child protection and the relationship between civil and religious jurisdictions.

In this respect, the different subtopics will enable us to carry out a detailed analysis of several relevant aspects which are directly linked to the importance that cases of cross-border family conflicts are acquiring nowadays, also considering the increased number of mixed marriages. We are going to share the international experts’ opinion and the participants’ approach on these topics from their own perspective, experience and respective competences.

Through an in-depth and detailed discussion, we will know the current situation related to the topics under discussion that are detailed in the agenda, all of them being main subtopics that will be object of the discussions.

Thanks to this seminar, we will get to know the different features prevailing in the region and we will learn from each other through the different experiences and views of the participants.

The working method

Participants should be aware that they are the main players in the training seminar as they will be able to share their respective experience and views related to the topics under review.

We expect the experts participating in this seminar to have an in-depth knowledge of the topics under discussion and to be able to provide us with a detailed vision of the current situation in their respective countries. We also expect them to have previously prepared themselves for the discussion in order to achieve the most fruitful results.

In this context and to ensure a good preparation, the Project Team will provide the participants, at least two weeks before the date of the seminar, with the agenda, the documents and a list of the relevant documents on the topics addressed. These documents will also be made available on the EuroMed Justice III project website for the participants to download them.

Moreover we would like to stress that the methodology of the training sessions does not rely on a traditional methodology based on *ex cathedra* classes; rather, the idea is to put a strong emphasis on interactive presentations and practical approach allowing for a transfer of knowledge and experience.

We should not forget that although it is the expert who will determine the framework of the presentation, the objective of the training seminars is not just a transfer of knowledge, but rather to give the participants the possibility of sharing their experience and viewpoints on the issues being addressed. This methodology will then enable them to take advantage from the experience of the other colleagues and, in our opinion, the working atmosphere should facilitate relationships between the participants. In this respect and in order to trigger the debate, practical cases or workshops will be introduced in the different training seminars depending of the topics being discussed.

The quality of the various sessions will be assessed by means of evaluation forms distributed to the participants at the end of the seminar. After each training seminar, its results will be evaluated by the participants, including the subjective perception participants have both about the contents and the trainers. It is very important from the very beginning to know the opinion of the participants because we are aware that although we are doing our best to guarantee the quality of each activity, the participants' viewpoints will help us to perceive some details that can be improved for the next sessions.

Experts

Four (4) experts from each ENPI South partner country are expected to attend each training seminar.

Target group

Judges, lawyers and prosecutors, officials from the ministries of Justice and court administration authorities, registrars, clerks and other auxiliary staff of courts, trainers from judicial/prosecutorial/lawyers training institutions and representatives from non-governmental actors dealing with the issues covered by the seminars.

More particularly, for this seminar it would be advisable that the participants, in so far as possible, have expertise/competence or experience on family law, and more specifically, if possible, in international family law and cross-border family conflicts among other possible topics that will be addressed during the seminar. In addition, and if possible, the presence of members of the Ministry of Justice involved in this kind of conflicts or central authorities of the Ministry of Justice in charge of cross-border family conflicts and family matters would be very much appreciated.

The experts should have the appropriate profile, a comprehensive knowledge and vision, and a sound experience in this field. They should also be willing to make an effective contribution to the training seminar.

Bearing in mind that a "Tour de table" is scheduled on the first day of the seminar, a short presentation prepared ahead of the seminar by each delegation will be required.

The quality of the experts proposed is the main guarantee that our joint efforts during the seminars will result in a good analysis and diagnosis of the situation in the fields addressed, and in an exchange of useful, reliable and accurate information.

Documentation

A list of the basic documentation will be provided by the Project Team at least two weeks ahead of the seminar. Ad exemplum:

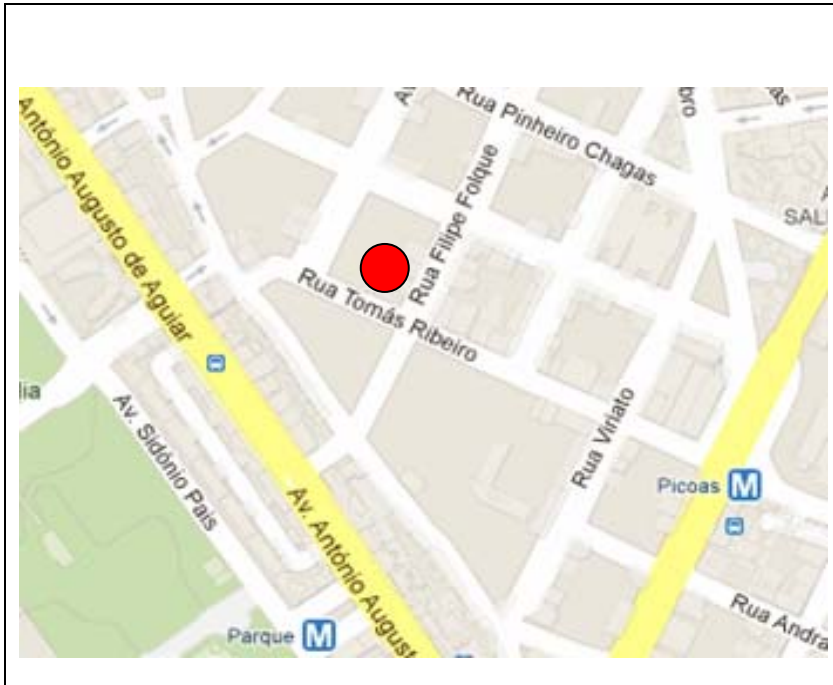
- Relevant international documentation on the topic produced by the European Union, the Council of Europe, the United Nations, The Hague Conference, etc.
- Other documents, possibly those provided by the participants of the ENPI South partner countries.
- Working documents
- Reading documents.
- Etc

These documents will be sent to the participants ahead of the meeting together with the list of basic documentation; they will also be handed over to the participants at the training seminar.

Working languages

English, French and Arabic, with simultaneous interpretation during the whole seminar.

Venue of the meeting:



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