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European Union



EuroMed Justice III Project

COMPONENT II: RESOLUTION OF CROSS-BORDER FAMILY CONFLICTS

WORKING GROUP 2

Fifth Meeting

PREPARATION OF A HANDBOOK

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

Finalisation of the Handbook

Prague (CZ), 23-25 April 2013

Draft Final Conclusions

The 5th meeting of Working Group II on 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 23-25 April 2013 in Prague, Czech Republic.

The participants were members of the delegations of the following Mediterranean countries: Egypt, Israel, Jordan, Lebanon, Morocco and Tunisia.

The meeting was opened by Mr. Vit SCHORM, Government Agent of the Czech Republic at the European Court of Human Rights, and by Mr. Andrés SALCEDO VELASCO, Team Leader of the EuroMed Justice III Project, who welcomed the participants. The meeting was closed by Mr. Andrés Salcedo Velasco.

A summary of the work carried out since the previous meeting and the main topics suggested for discussion during this meeting were presented by the Project Team and the main short-term expert, Ms Juliane HIRSH, who is in charge of this Working Group.

Two thematic presentations were made during the meeting.

The first one on “Cross-border family conflicts: Custody and visiting rights. The Czech Republic experience. Hearing the voice of the child in the course of court proceedings in cross-border family disputes.” was made by Mr. Lubomir PTÁČEK, Judge, Czech liaison judge in family law matters (International Hague Network of Judges). The Czech expert gave, inter alia, a general presentation of the Czech Republic Judicial System concerning family matters, and explained how the voice of the child is heard in the course of family law proceedings. He also presented some statistical information concerning cross-border family cases and how resorting to mediation has increased in order to solve cross-border family conflicts.

The second presentation entitled “Cross-border recovery of maintenance – solutions offered by the European Maintenance Regulation and the 2007 Hague Convention the International Recovery of Child Support and Other Forms of Family Maintenance and the 2007 Hague Protocol on the Law Applicable to Maintenance Obligations” was delivered by Mr. Philippe LORTIE, First Secretary of the Hague Conference on Private International Law. Mr. Lortie started his presentation by referring to the States’ commitment under the United Nations Convention on the Rights of the Child with regard to securing child maintenance. He explained the main characteristics of the 2007 Hague Convention on the International Recovery of Child Support and other forms of family Maintenance, the European Maintenance Regulation and the Hague Protocol on the Law Applicable to Maintenance Obligations. In this respect, he highlighted the important progress with regard to the cross-border recovery of maintenance brought by these new instruments in introducing an accessible, prompt, efficient, cost-efficient, responsive and fair system. He set forth the instruments’ geographical and substantive scope, the rules on administrative cooperation,

recognition and enforcement of the Convention and Regulation and general matters concerning the Convention and Regulation.

These presentations were followed by an open debate.

The most relevant sessions of the meeting were devoted to discussing different topics suggested in order to make progress in preparing and finalising the handbook.

During the meeting the representatives of the Mediterranean countries took the floor to make a presentation on the current situation in the main field under discussion in their respective countries. These presentations were followed by an open debate.

Considering the objectives of this meeting and taking into account the recommendations made during the working sessions and the debate, the participants are of the opinion that this fifth meeting gave them the opportunity:

- a) To continue the debate and the overall approach to the handbook which identifies and describes possible approaches and best practices to improve resolution of cross-border family conflicts.
- b) To follow the methodology agreed during the previous meetings and, in this context, to have the opportunity to listen to the different approaches and opinions from the beneficiary countries' participants regarding the topics on the agenda.
- c) To analyse and discuss on the working document prepared by the main short-term expert, Ms Juliane Hirsch, based on the work developed during the fourth meeting of this working group held in The Hague. The participants had the opportunity to contribute useful comments to this document.
- d) To continue and finalise the discussion started during the fourth meeting on best practices in the field of resolution of cross-border family conflicts: custody and visiting rights: "Hearing the voice of the child in international family conflicts"; "Domestic violence accusations in international family conflicts – protective measures".
- e) To discuss on best practices in the field of resolution of cross-border family conflicts: international recovery of child support and other family maintenance; custody and visiting rights; and this with a view to finalising the handbook.
- f) To further strengthen cooperation among the Euro-Mediterranean Partners in the field of justice.
- g) To obtain some additional information on the contents of the handbook that should be produced by this Working Group at the end of its 5 meetings.
- h) To discuss on the contents of the training sessions and study visit that will be developed during the second phase of the project.

In addition, the participants agreed that they can send additional comments to the expert, Juliane Hirsch, concerning the working documents prepared by her for this and the previous meetings by next 6 May 2013. The expert in charge of this handbook will now proceed to drawing up the pre-final version taking into account the different comments and suggestions made by the participants during this meeting as well as any additional comments that she will be receiving from the participants. This pre-final version will be sent to the participants as soon as possible for information and possible comments. The deadline to make any additional comments will be strictly one week from the moment the members of this working group receive the pre-final version, since the expert then has to prepare the final version that will be presented on the occasion of the 2nd Regional Conference of the Euromed Justice III project scheduled on 19 June 2013 in Brussels. The final version will be printed and distributed in English and French. It will also be available online on the project website.

Participants agree with the conclusions of this meeting.

Participants are grateful to the Czech Ministry of Justice, to the Directorate-General Development and Co-operation-EuropeAid, European Commission, and to the Project Team for organising this meeting.

Prague, 25 April 2013