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WG CHILD

CONCLUSION AND RECOMMENDATIONS

WORKING GROUP ON THE APPLICATION BY
NATIONAL RELIGIOUS AND CIVIL JUDGES OF
INTERNATIONAL NORMS CONCERNING THE BEST
INTERESTS OF THE CHILD

THE HAGUE (NL), 12th – 14th December 2017

Lead Firm / Chef de file





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EUROMED JUSTICE 2ND WG CHILD – THE HAGUE

December 14, 2017

WG CHILD CONCLUSIONS

The 2nd Working Group CHILD meeting, under the component *Cooperation in civil matters (Activity 10A)* of the EuroMed Justice Project funded by the European Union, was held on 12-14 December 2017 in The Hague.

1. Participants

The 3-day session was attended by:

- Representatives of the civil and religious jurisdictions from seven South Partner Countries: Algeria, Jordan, Israel, Morocco, Lebanon, Palestine and Tunisia.
- Representatives of the Hague Conference on International Private Law (HCCH).
- EuroMed Justice Project Management Team.
- Short Term Experts involved in the drafting of the Comparative Study on the application by religious and secular judges of the international norms concerning the best interests of the child.

2. Objectives

In particular the following set of 4 main objectives of the first meeting of the Working Group were addressed:

1. To give feedback on the content of the draft Comparative Study
 - a. in particular regarding all passages that refer to the analysis of the SPCs legal systems;
 - b. to make suggestions for text changes or additions relating to the analysis of the legal system;
 - c. to provide the experts with any missing sources of law and case law and with any information on most recent relevant case law, that is not yet mentioned in the study.
2. To clarify the questions from the experts or other members of the WG.

3. The WG CHILD participants were asked to bring with them copies of the relevant laws from national legal system and in particular those the study refers to in the footnotes.
4. To follow up on the discussions on the Hague Conference on Private International Law issues introduced during the 1st WG CHILD seminar: The Hague Children's Conventions, possible designation of a member to the International Hague Network of Judges, possible designation of a participant to the Working Party on Mediation, etc.

3. Conclusions

3.1. The **WG CHILD** discussed in detail all the issues regarding the application of the national and international norms concerning the best interests of the child. The exchange of experiences and a practical regional (*South-South*) and cross-regional (*North-South*) approach were central to the debates. The WG participants were closely involved in the elaboration of the comparative study, in particular:

- Giving feedback on the content presented by the STEs;
- Reviewing and agreeing on the content of the draft **Comparative Study** and its **Recommendations**;
- Identifying the topics which need further clarification.

3.2. In its second meeting, the **Working Group CHILD** agreed upon and approved the structure and the content of the **Comparative Study on the application by religious and secular judges of the international norms concerning the best interests of the child** and the **Recommendations** to improve the settlement of cross-border family disputes. Both documents will be uploaded on EuroMed Justice's website.

In view of supporting the finalisation of the Comparative Study, the WG CHILD adopts the following **Conclusions**:

3.3. The **Comparative Study** on the application by religious and secular judges of the international norms concerning the best interests of the child should be finalised by the WG CHILD with the support of the EuroMed Justice short-term experts, based on the information, data, and answers from the SPCs and the comments from HCCH.

3.4. The **Comparative Study** will serve as the main document to be used during the ToT Seminar to be organised by EuroMed Justice on the application by religious and civil judges of international norms concerning the best interests of the child (*Project activity 10B: 17 – 19 April 2018*)

3.5. WG participants expressed their position and reflections on the practical proposals introduced by the HCCH representative during the first WG CHILD meeting in Luxembourg regarding:

- the possibility of joining the International Hague Network of Judges with responsibility for international child protection;
- considering designating a Central Contact Point for Mediation and becoming members of the Working Party on Mediation (WPM); and

- considering joining the Hague Children's Conventions, for those who are not Party yet.

4. Deliverables

- 4.1. Experts' Draft of the **Comparative Study** and **Recommendations** on the application by religious and secular judges of the international norms concerning the best interests of the *child* should be finalised.

5. Timeline/Schedule

- 5.1. By 21st December, the SPCs will provide the experts with the appropriate case law and additional information agreed in the meeting.
- 5.2. The experts will revise the draft study with the information received orally in the plenary meeting and in bilateral meetings as well as in written.
- 5.3. On the week of the 22nd-26th of January, the revised draft will be sent to the SPCs for their comments.
- 5.4. SPCs will have 10 days from the reception of the draft to make comments.
- 5.5. The final draft will be submitted by the experts. Translation of revised parts will be done.
- 5.6. The Study will be presented at the Mid Term conference.
- 5.7. Training Seminar in 2017 (April).

The Hague, 14 December 2017