



Project Funded by the
European Union

EUROMED JUSTICE II PROJECT



WORKING GROUP 2 RESOLUTION OF CROSS-BORDER FAMILY CONFLICTS

1st MEETING: Legal framework of The Hague Convention and of Community law

Hôtel Ibis Moussafir Rabat

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Rabat, 23-24 October 2008

AGENDA

Wednesday 22 October 2008

19.30–21.00 Welcome dinner for the representatives of the MEDA countries

Thursday 23 October 2008

08.30–09.00 Registration of participants

09.00–09.30 Welcome speeches.

Mohamed LIDIDI, Representative of the Moroccan Ministry of Justice, Secretary General of the Moroccan Ministry of Justice and National Focal Point for the EuroMed Justice II Project in Morocco

Representative of the Higher Institute of the Magistracy , Rabat

Jérôme CASSIERS, Adviser-Political Affairs, Trade, Information, Culture, Representative of the Delegation of the European Commission to the Kingdom of Morocco.

Presentation of the Working Group and of the EuroMed Justice II Project:

Javier SÁNCHEZ CANO, Director of the European Institute of Public Administration-European Centre for the Regions (EIPA-ECR) (Lead firm of the Consortium implementing the EuroMed Justice II Project), Barcelona (ES)

- 9.30-10.00 Presentation of the general framework of this component, the main topics suggested for discussion, the working programme and the methodology to be followed during the meeting.
- Khaled ABOUALI*, Coordinator of the EuroMed Justice II Project, Senior Lecturer, European Institute of Public Administration-European Centre for the Regions (EIPA-ECR), Barcelona (ES)
- Self-presentation by the participants.
- 10.00-10.45 1^e Presentation on “The current legal framework of the Hague Convention and of Community law. The Malta Judicial Conferences on Cross-Frontier Family Law Issues”
- Philippe LORTIE*, First Secretary, The Hague Conference on Private International Law, The Hague (NL)
- 10.45-11.00 Coffee break
- 11.00- 11.45 2nd Presentation on “Comparison between Community law and the MEDA countries law in this field.”
- Kalthoum MEZIOU*, Professor Emeritus, Department of legal, political and social sciences, Tunis University, Tunis (TN)
- 11.45-13.30 Presentation of the current situation in this field in each country by the respective representatives of the MEDA countries.
- 13.30-15.00 Lunch
- 15.00–16.30 Debate on the presentations made by the MP representatives and the international experts. International comparative approach and discussion on the questions sent in advance to the participants.
- Khaled ABOUALI*
- 16.30-16.45 Coffee break
- 16.45- 18.00 Debate on the presentations made by the MP representatives and the international experts. International comparative approach and discussion on the questions sent in advance to the participants. (*continued*)
- Khaled ABOUALI*
- End of the 1st day

Friday 24 October 2008

08.30–10.30 Debate. Main shortages identified under this topic that need to be improved in the Euro-Mediterranean region covered by this project.

Khaled ABOUALI

10.30–10.45 Coffee break

10.45-12.00 Debate. Specific proposals to improve the resolution of cross-border family conflicts in the Euro-Mediterranean region covered by this project.

Khaled ABOUALI

12.00-13.30 Debate. Discussion on the recommendations and training activities to be adopted

Khaled ABOUALI

13.30-15.00 Lunch

15.00–16.30 Presentation to the participants of the conclusions, recommendations and contributions related to the activities.

16.30–16.45 Coffee break

16.45-17.45 Adoption of the conclusions, recommendations and contributions related to the activities.

Agreement on the WG meetings calendar and the methodology to be followed during these meetings.

17.45-18.00 Closure

End of the meeting.

GENERAL INTRODUCTION

Presentation

This meeting takes place under the second component of the Project: Resolution of cross-border family conflicts: custody and visiting rights. During this first meeting devoted to the “Current legal framework of the Hague Convention and of Community law. Malta Judicial Conferences on Cross-Frontier Family Law Issues”, we are going to share the international experts’ opinion and the participants’ approach on this topic from their own perspective and respective competences. Through an in-depth and detailed discussion, we will know the current situation related to the topics under discussion, among others the practical and specific problems related to the recognition abroad of judicial decisions, and the ongoing or already completed legislative and regulatory reforms on this topic. In this way, we will know what are the priorities and needs to be addressed through training activities and study visits. We will also define how to better focus the seminars on this component and what are the major issues and the elements to be taken into account in order to reach the objectives of this project. We will also discuss the expected results related to this topic as well as the dates and venues of the activities. In addition, some recommendations on this topic will be adopted and we will start a debate on the final document to be delivered by the working group: the text of the Conclusions.

The recommendations formulated during the 4 meetings of this Working Group will be presented during the regional Conference in May 2009.

Working Method

The starting point is that all the participants should be aware that they are the main players of the Working Group in order to provide the information required and to cooperate in defining the strategy and objectives to be achieved through this project.

We expect the experts participating in this working group 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 meeting, with a Summary Note and the topics to be addressed. Nevertheless, the participants should feel free to propose any other topics of their interest.

As the Working Group meeting will only last 2 days, the preliminary preparation of the experts is more than welcome to reach the objectives at such short notice.

Experts

The experts should have the appropriate profile, a comprehensive knowledge and vision, and 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 four meetings planned per component, but more specifically, that between each meeting they have enough time to continue to work together and with 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.

The quality of the experts proposed is the main guarantee that our joint effort during the Working Groups meetings will result in a good analysis and diagnosis of the situation in each component, and in an exchange of useful, reliable and accurate information. This in turn will lead to a number of proposals for action being made by each WG.

Expected Results of Working Group 2

1. To define the overall approach of the topics to be discussed by the international and MEDA experts.
2. To keep abreast of the current situation of custody and visiting rights in cross-border family conflicts in each MP.
3. To discuss more specifically how the work of the Working Group could contribute to reach the main goals of the project. Nowadays this is an issue affecting our societies. Special attention will be paid to mixed marriages, couples facing a difficult economic situation and to the children of such mixed couples, with the aim of settling the conflicts more satisfactorily. The focus will be on the resolution of conflicts concerning custody and visiting rights through mediation and facilitation of the rights of access (such as conciliation commissions and contact centres). The drafting of proposals for the setting-up of ad hoc committees, visiting centres and similar initiatives shall be based on a prior analysis of the legal problems involved in the recognition of the visiting rights of parents who do not have custody, particularly in the case of decisions given by religious courts.
4. To define how to better focus the future activities to be developed under this component (and the major issues and elements to be taken into account in order to reach the objectives of this project).
5. To draw up a provisional list of possible recommendations that could be developed in the Euro-Mediterranean region related to this component.
6. To start a debate on the drafting of the Policy Paper.

Documentation

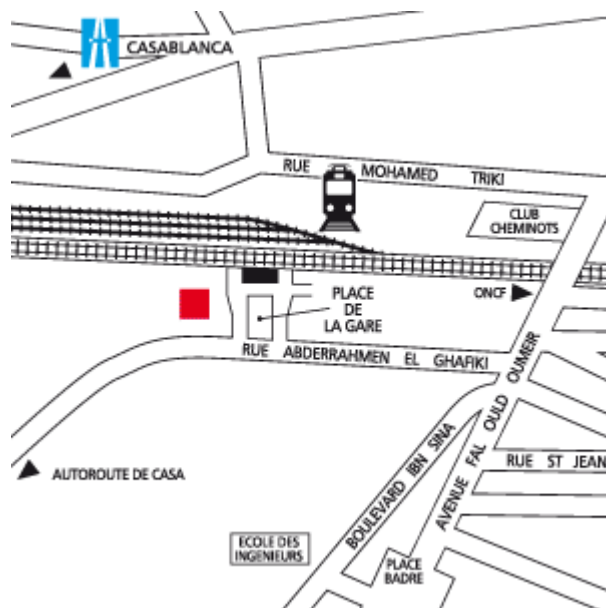
A list of the basic documentation will be discussed and provided by the Project Team at least two weeks before the Working Group meeting:

- Timetable of the Working Groups meetings.
- Relevant international documentation on the topic produced by the European Union, the Hague Conference, the Malta Judicial Conferences on Cross-Frontier Family Law Issues, the Council of Europe, the United Nations, etc.
- Other documents, possibly those provided by the participants of the MEDA countries.
- Bibliography

Working languages

English, French and Arabic. Simultaneous interpretation will be provided.

Venue and accommodation



The Meeting will be held at the:
Hôtel Ibis Moussafir Rabat

MEDA Participants will be hosted at:

Hôtel Ibis Moussafir Rabat
32-34, rue Abderrahmanne El Ghafiki
Place de la Gare
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