



Project funded by the
European Union

EUROMED JUSTICE II PROJECT



WORKING GROUP 2 RESOLUTION OF CROSS-BORDER FAMILY CONFLICTS

3rd MEETING

“Establishing the criterion governing jurisdiction in matters of protection of children from mixed marriages according to the international legal framework. Practical ways of preserving custody rights and ensuring children’s right to maintain personal relations with both parents, including visiting rights of the parent who does not have custody.”

Brussels, 28-29 May 2009

AGENDA

Wednesday 27 May 2009

19.00–20.30 Welcome dinner for the representatives of the MEDA countries

Thursday 28 May 2009

08.30–09.00 Registration of participants

09.00–09.30 Welcome speeches

Alain BOURLET, Chairman of the Steering Committee of the Belgian Ministry of Justice (BE)

Andrés SALCEDO VELASCO, Judge, Team Leader, EuroMed Justice II Project, Barcelona (ES)

9.30-9.45 Self-presentation by the participants

9.45.-10.15 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.

José María FERNÁNDEZ VILLALOBOS, Judge, Course Manager, EuroMed Justice II Project, EIPA-ECR, Barcelona (ES).

10.15-11.00 1st Presentation on “The child protection in the UN and the Hague Conference framework. The EU and the child protection policy.”

Estelle GALLANT, PhD in Law, Professor at the Paris 1 University, Panthéon-Sorbonne.

11.00-11.15 Coffee break

11.15-12.00 2nd Presentation on “Practical instruments for solving the most frequent problems in the field of visiting and custody rights and on child abduction.”

William DUNCAN, Deputy Secretary General, the Hague Conference on Private International Law, The Hague (NL)

12.00-13.30 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.

José María FERNÁNDEZ VILLALOBOS

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*)

José María FERNÁNDEZ VILLALOBOS

End of the 1st day

Friday 29 May 2009

09.00-10.30 Debate. Main shortages identified under this topic that need to be improved in the Euro-Mediterranean region covered by this project.

Andrés SALCEDO VELASCO

10.30–10.45 Coffee break

10.45-12.00 Debate. Specific proposals to improve custody and visiting rights from a multidisciplinary approach (social sciences) in the Euro-Mediterranean region covered by this project.

Andrés SALCEDO VELASCO

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

José María FERNÁNDEZ VILLALOBOS

13.30-15.00 Lunch

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

Andrés SALCEDO VELASCO

16.30–16.45 Coffee break

16.45-17.45 Adoption of the conclusions, recommendations and contributions related to the activities. (*continued*)

Andrés SALCEDO VELASCO

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”. During this third meeting devoted to the “Establishing the criterion governing jurisdiction in matters of protection of children from mixed marriages according to the international legal framework. Practical ways of preserving custody rights and ensuring children’s rights to maintain personal relations with both parents, including visiting rights of the parent who does not have custody”, 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 current situation in the MEDA countries, the applicable law and jurisdiction to decide on this topic, the local authorities’ cooperation and the need to improve training on this topic, and a multidisciplinary approach to custody and visiting rights. 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 scheduled in 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 ahead of the meeting, with a Summary Note and the topics to be addressed. Nevertheless, the participants should feel free to propose any other topic 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 alternative dispute settlement methods and more concretely mediation in cross-border family conflicts in the Euro-Mediterranean region covered by this project.
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. Particular attention will be paid to the value of and experience with mediation bodies and to safeguarding the rights of women and children in line with the priority given to them by the European Commission in its communication of 4 July 2006 (COM (2006) 367 Final).
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.

Practical and specific results expected from the 3rd meeting of this Working Group

1. To give examples of good practices related to practical tools that contribute to solve cross-border family conflicts in the event of mixed marriages (for example, contact centres, Joint Committees, etc.).
2. To identify the practical tools allowing for a swift action and repatriation of abducted minor children (working together with the Public Prosecutor, Police, Civil Law Judges, NGOs, etc.).
3. To find out the discipline(s) applied in the respective MEDA countries to approach custody and visiting rights as well as in the case of children's abduction (for example, psychologists, sociologists, criminologists, social workers, etc.).
4. To raise awareness of the importance of training. In this respect to discuss about the training activities to be developed related to the topics addressed during this Working Group meeting.

Documentation

A list of the basic documentation will be discussed and provided by the Project Team at least two weeks in advance of 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 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:**

**Hotel MARTIN'S
CENTRAL PARK
Boulevard Charlemagne, 80
BE-1000 Brussels
Phone: +32 2 230 85 55**

**where the MEDA participants
will also be staying during the
meeting**