



Project funded by the  
European Union

## EUROMED JUSTICE II PROJECT



### WORKING GROUP 2 RESOLUTION OF CROSS-BORDER FAMILY CONFLICTS

4<sup>th</sup> meeting on:  
“The importance of culture and religion in cross-border family conflicts”

**Marseille (FR), 6-7 July 2009**

#### AGENDA

##### Sunday 5 July 2009

20.30–22.00 Welcome dinner for the representatives of the MEDA countries

##### Monday 6 July 2009

08.30–09.00 Registration of participants

09.00–09.30 Welcome speeches

*Blandine PELLISTRANDI*, Head of the Regional Representation of the European Commission in France, Marseille.

*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.

*Khaled ABOUALI*, Legal expert and Criminologist, Coordinator of the EuroMed Justice II Project, Senior Lecturer, EIPA-ECR, Barcelona (ES)

**10.15-11.00** 1<sup>st</sup> Presentation on “Cultural and sociological aspects in cross-border family conflicts”

*Ricardo RUEDA*, Professor of Private International Law, Law School, University of Granada, Spain.

**11.00-11.15** Coffee break

**11.15-12.00** 2<sup>nd</sup> Presentation on “Religious aspects in cross-border family conflicts”

*The Rt. Hon. Lord Justice THORPE*, Head of International Family Justice for England & Wales and Deputy Head of Domestic Family Justice, London (UK)

**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.

*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 1<sup>st</sup> day**

## **Tuesday 7 July 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.

*Khaled ABOUALI*

**10.30–10.45** Coffee break

**10.45-12.00** Debate. Specific proposals to facilitate the resolution of cross-border family conflicts influenced by culture and/or religion.

*Khaled ABOUALI*

*Andrés SALCEDO VELASCO*

**12.00-13.300** Debate. Discussion on the recommendations and training activities to be adopted.

*Khaled ABOUALI*

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

**13.30-15.00** Lunch

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

*Khaled ABOUALI*

**16.30–16.45** Coffee break

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

*Khaled ABOUALI*

**17.45-18.00** Closure

**End of the meeting.**

## **GENERAL INTRODUCTION**

### **Presentation**

This meeting takes place under the second component “Resolution of cross-border family conflicts” of the EuroMed Justice II Project. During this fourth and last meeting of this WG devoted to the “The importance of culture and religion in cross-border family conflicts” 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 importance of social and administrative assistance in this matter, the role of Customary Courts or the difference between civil and religious law. 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 October 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 finalize the debate on the drafting of the Policy Paper.

### **Practical and specific results expected from the 4th and last meeting of this Working Group**

1. To share the different experiences on these topics from the different viewpoints of the participants and to better get to know each other.

2. To identify the main obstacles to be faced from an intercultural and inter-religious point of view in order to solve cross-border family conflicts in the event of mixed marriages.
3. To find out judicial tools to remove the daily obstacles for solving cross-border family conflicts with due consideration of the topic under discussion.
4. To examine the advisability of finding common proposals to promote dialogue and mutual understanding so as to facilitate the identification of common solutions to solve cross-border family conflicts from an inter-religious and intercultural angle.
5. To make participants aware of the importance of training. In this respect, there will be a discussion on the training activities to be developed on 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:

- 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.

