



Project funded by the
European Union

EUROMED JUSTICE III PROJECT



**COMPONENT II
RESOLUTION OF CROSS-BORDER FAMILY CONFLICTS
Fourth Training Seminar
EP TS 2 .4**

**“EU, EU MS and ENPI South Partners Cross-border Regulations and Cross-border Family
Conflicts”**

Rome (IT), 18-20 November 2014

AGENDA



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Conflicts”**

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AGENDA

Monday 17 November 2014

20.00 – 22.00 Dinner for the representatives of the ENPI South partner countries.

Tuesday 18 November 2014

09.00 – 09.15 **Registration of participants**

09.15 – 09.30 **Welcome speeches**

Andrés SALCEDO VELASCO, Team Leader of the EuroMed Justice III Project, Barcelona (ES)

09.30 – 09.45 **Presentation of the EuroMed Justice III Project. Main topics suggested for discussion, the working programme and the methodology that will be applied during the seminar.**

Andrés SALCEDO VELASCO

José María FERNÁNDEZ VILLALOBOS, Course Manager of the EuroMed Justice III Project, Barcelona (ES).

09.45 – 10.45 **Most frequent problems regarding family law cross-border conflicts and borders and immigration legal framework. (I)**

Introductory Session

Andrés SALCEDO VELASCO

José María FERNÁNDEZ VILLALOBOS

Debate

10.45 – 11.15 Coffee break

11.15 – 13.00 **Most frequent problems regarding family law cross-border conflicts and borders and immigration legal framework. (II)**

Introductory Session

Andrés SALCEDO VELASCO

José María FERNÁNDEZ VILLALOBOS

Debate

13.00 – 14.30 Lunch

14.30 – 16.00 **The European case-law concerning the right to private and family life: its influence in order to improve the resolution of cross-border family conflicts.**

Manuela LANDURIS, Family law Specialist, Independent legal Consultant, Germany.

Debate

16.00 – 16.30 Coffee break

16.30 – 17.30 **Most frequent situations to be addressed in order to improve resolution of cross-border family conflicts through better cross-border regulations: presentation of the current situation in the ENPI South partner countries.**

*Each delegation will have **some 12-15 minutes** to present itself and the current situation about the topics covered by this seminar in its own country.*

Debate

End of the day

Wednesday 19 November 2014

09.30 – 11.00 **Family reunification process: itinerary and problems.**

Workshop

Andrés SALCEDO VELASCO

José María FERNÁNDEZ VILLALOBOS

Debate

11.00 – 11.30 Break

11.30 – 13.00 **What is the current situation in the EU MS family law concerning recognition of certain family institutions of the ENPI SPC and their impact in cross-border regulation? Special reference to *Kafala* and family reunification problems.**

Gloria ESTEBAN DE LA ROSA, Professor of Private International Law, University of Jaén, Spain

Debate

13.00 – 14.30 Lunch

14.30 – 17.00 **Cross-border control and due coordination between judicial and administrative authorities from a police perspective in order to avoid child abduction.**

Guido COPPOLA, Lieutenant Colonel, Italian State Police.

Giuseppe SEGNIN, Lieutenant of the *Carabinieri*.

Debate

End of the day

Thursday 20 November 2014

09.30 – 11.00 **What are the current situation and tendency from a legal point of view in cases of illegal immigration of unaccompanied minors as regards their protection, return and the exercise of parental responsibility?**

Dolly HAMMAN NAJJAR, Independent expert, PhD in Law, Human Rights Specialist, Tunisia.

Debate

11.00 – 11.30 Coffee break

11.30 – 13.00 **Unaccompanied minors: criteria for determining the Best Interests of the Child.**

Workshop

Andrés SALCEDO VELASCO

José María FERNÁNDEZ VILLALOBOS

13.00 – 14.30 Lunch

14.30 – 15.30 **Presentation of the work developed during the first two phases of the project in the field of resolution of cross-border family conflicts.**

Project Team

Debate

15.30 – 16.00 Break

16.00 – 16.45 **Plenary session, debate, conclusions.**

José María FERNÁNDEZ VILLALOBOS

16.45 – 17.00 **Closure of the seminar.**

Andrés SALCEDO VELASCO

End of the training seminar

GENERAL INTRODUCTION

The project

The EuroMed Justice III project funded by the EU with a budget of € 5 million over the period 2011-2014 (extended until March 2015), follows the success of EuroMed Justice I and II such as the development of a Euro-Mediterranean area of cooperation in the field of justice by supporting the development of the partners' capacity and backing the modernisation of justice, including an improved access to justice.

This project is being implemented by a consortium led by the European Institute of Public Administration (EIPA) and composed of FIIAPP (*Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas*), IRZ (*Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit*) and SOFRECO (*Société Française de Réalisation d'Etudes et de Conseil*). EIPA Barcelona is the Programme Management Unit for the EuroMed Justice III Project.

The beneficiaries of this project are the ENPI South countries: the People's Democratic Republic of Algeria, the Arab Republic of Egypt, Israel, the Hashemite Kingdom of Jordan, Lebanon, the Kingdom of Morocco, Palestine, the Syrian Arab Republic (formally part of the project even if there is a partial and temporary suspension of the EuroMed Justice III project in terms of Syrian participation), the Republic of Tunisia and Libya, as new ENPI South Beneficiary Country of the Project.

The EuroMed Justice III project addresses in particular issues related to the themes of Access to justice and legal aid, Resolution of cross-border family conflicts and Criminal and penitentiary law.

The project activities mainly consist in carrying out Working Groups (1st phase) and in organising Training sessions and Study visits covering the 3 components of the project (2nd phase and extension period). Research Reports and Handbooks were produced during the 1st phase and training materials were presented during the second phase of the project.

The training seminar

This seminar takes place under the second main component of the project "Resolution of cross-border family conflicts".

The title of this seminar "EU, EU MS and ENPI South Partners cross-border regulations and cross-border family conflicts".

In this respect, one of the conclusions obtained so far during the implementation phase under the component "Resolution of cross-border family conflicts", was the identification of a catalogue of major problems that can be found in an intermediate area between family law, the cross-border regulation and the security internal regulations, all areas covered by other regional projects. For this reason these types of problems are not debated. Yet they are very relevant to solve international conflicts in family law and have a concrete impact on the efficiency of the exercise of the rights. These are, for example, the problem of the lack of an adequate regulation to obtain a visa for exercising the parent contact right with the children in

the Euro-Mediterranean area, including the specific EU cross-border regulation, or the problem regarding preventive police measures to avoid child abduction in border controls and due coordination with the judicial and administrative authorities; the problems of the recognition in the EU MS regulation of certain specific family law institutions (assimilation with the adoption or assimilation of family reunification and others) with substantial cultural and sociological impacts. All participants during the seminars and during the working groups meetings stressed the importance of these topics and the lack of a regional analysis. For all these reasons, we have considered these topics as urgent and adequate. They should be treated in a plural perspective involving judges, police and administrative authorities charged with cross-border controls.

In addition, the different subtopics will enable us to carry out a detailed analysis of several relevant aspects which are directly linked to cases of cross-border family conflicts involving cross-border control of migration and cross-border police control.

During this seminar we are going to share the international experts' opinion and the participants' approach on these topics from their own perspective, experience and respective competences. Through an in-depth and detailed discussion, we will know the current situation related to the topics under discussion that are detailed in the agenda, all of them being main subtopics that will be object of the discussions.

The working method

Participants should be aware that they are the main players in the training seminar as they will be able to share their respective experience and views related to the topics under review.

We expect the experts participating in this seminar to have an in-depth knowledge/experience 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 send the participants, at least two weeks before the date of the seminar, the agenda and a list of the relevant documents on the topics addressed. These documents will also be made available on the EuroMed Justice III project website for the participants to download them.

We should not forget that although it is the expert who will determine the framework of the presentation, the objective of the training seminars is not just a transfer of knowledge, but rather to give the participants the possibility to share their experience and viewpoints on the issues being addressed. This methodology will then enable them to take advantage from the experience of the other colleagues and, in our opinion, the working atmosphere should facilitate relationships between the participants. In this respect and in order to trigger the debate, practical cases or workshops will be introduced in the different training seminars depending of the topics being discussed.

The quality of the various sessions will be assessed by means of evaluation forms distributed to the participants at the end of the seminar. After each training seminar, its results will be

evaluated by the participants, including the subjective perception that the participants have both about the contents and the trainers.

Experts

Four (4) experts from each ENPI South partner country are expected to attend each training seminar.

Target group:

More particularly, for this seminar it would be advisable that the participants, in so far as possible, have expertise/competence or experience on family law/cross-border regulation/migration regulation, and more specifically, if possible, in international family law, cross-border family conflicts among other possible topics that will be addressed during the seminar. In addition, and still if possible, the presence of members of the Ministry of Justice involved in this kind of conflicts or central authorities of the Ministry of Justice in charge of cross-border family conflicts and family matters would be very much appreciated.

Judges, administrative authorities and police in charge of cross-border controls. lawyers and prosecutors, officials from the ministries of Justice and court administration authorities, trainers from judicial/prosecutorial/Lawyers training institutions and representatives from non-governmental actors dealing with the issues covered by the seminars.

The experts should have the appropriate profile, a comprehensive knowledge and vision, and a sound experience in this field. They should also be willing to make an effective contribution to the training seminar.

Bearing in mind that a “Tour de table” is scheduled on the first day of the seminar, a short presentation prepared ahead of the seminar by each delegation will be required

The quality of the experts proposed is the main guarantee that our joint efforts during the seminar will allow us to get an overview of the situation in the fields addressed and to exchange useful, reliable and accurate information.

Documentation

A list of the basic documentation that is available online on the project website will be sent in advance to the participants. This will be, among others,

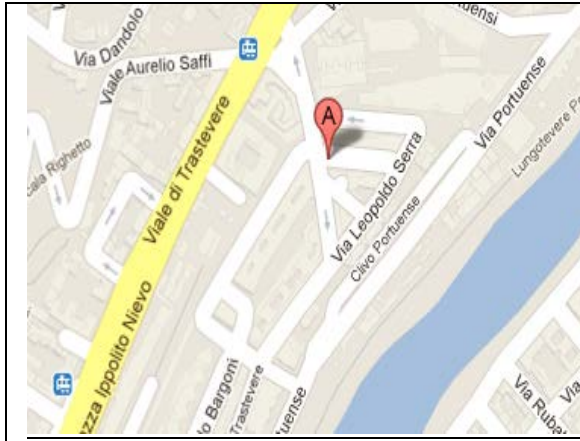
Relevant international documentation on the topic produced by the European Union, the Council of Europe, the United Nations, the Hague Conference, etc.

- Other documents, possibly those provided by the participants of the ENPI South partner countries.
- Working documents
- Reading documents.
- Etc.

Working languages

English, French and Arabic, with simultaneous interpretation during the whole seminar.

Venue of the meeting:



The meeting will take place at the:

Ripa Hotel

Via degli Orti di Trastevere,3

00153 Rome

Tel: + 39 06-58611

Fax: +39 06-5814550