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EUROMED

**EuroMed Justice III Project**

**COMPONENT II: RESOLUTION OF CROSS-BORDER FAMILY CONFLICTS**

**WORKING GROUP 2**

**1<sup>st</sup> Meeting**

**PREPARATION OF A HANDBOOK**

**“Handbook on best practices concerning the resolution of cross-border family conflicts:  
custody and visiting rights”**

Barcelona (ES), 22-24 May 2012

Hotel Novotel  
C/Diagonal 201, Barcelona

**Final Conclusions**

The 1<sup>st</sup> Meeting of the Working Group II on the component “Resolution of Cross-Border Family Conflicts” of the EuroMed Justice III Project of the European Commission, funded by the European Union, was held on 22, 23 and 24 May 2012 in Barcelona.

The participants were members of the delegations of the following Mediterranean countries: Algeria, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority and Tunisia, and experts from the host country Spain, from Germany and from the Hague Conference on Private International Law.

The meeting was opened by Ms Sara Campinoti, Programme Manager, Unit F4 Regional Programmes Neighbourhood South, Directorate-General Development and Co-operation - EuropeAid, European Commission, who introduced the context of the Project, and by Mr Andrés Salcedo Velasco, Team Leader of the EuroMed Justice III Project, who welcomed the participants, and was closed by Mr Andrés Salcedo Velasco.

The background, the context and the structure of the working group meetings that will be developed under this component, including their overall approach and the main topics suggested for discussion, were introduced by the Project Team experts and the main short-term expert, Ms Julianne Hirsch, who is in charge of this Working Group.

In addition, the Project Team presented the project website and the different tools offered in order to support the intermediate work of the participants/experts/project team in between the different meetings of the working group.

Furthermore, three presentations were made during the meeting, the first one on “The work developed by the Hague Conference: special reference to cross-border family conflicts concerning the Mediterranean beneficiary countries and the Malta process” was made by Ms Louise Ellen Teitz, First Secretary, the Hague Conference on Private International Law. During this presentation the expert introduced an international approach to the topic discussed, including a special reference to the 1980 Hague Child Abduction Convention, the 1996 Hague Child Protection Convention, the Malta Process and the working party on mediation.

The second presentation on “Role of the central authorities for the application of international conventions: special reference to custody and visiting rights”, was delivered by Mr Hans Michael Veith, former Judge, retired Vice-president of the German Federal Office of Justice. During his presentation, Mr Veith covered, among others, issues such as organisational aspects, the experience factor, the importance of having sufficient material resources or how the Central Authority works in practice.

The third presentation on “Current situation regarding resolution of cross-border family conflicts in the EU: special reference to custody and visiting rights. International approach and the Spanish experience”, was made by Mr Javier Forcada, Legal Advisor, Spanish Ministry of Justice, General Directorate of International Judicial Cooperation and Religious Affairs; Senior Family judge. During his presentation, Mr Forcada focused, among others, on topics such as the importance of building bridges between legal systems having diverse cultural or religious backgrounds, access rights and problems arising, and how to face these problems from a very practical point of view.

The representatives of the Mediterranean countries took then the floor to make a presentation on the current situation in this field in their respective countries. These presentations were followed by an open debate.

Considering the objectives of this meeting and taking into account the recommendations made during the working sessions and the debate, the participants are of the opinion that this first meeting gave them the opportunity:

- a) To start the debate and the overall approach to the handbook which identifies and describes possible approaches and best practices to improve resolution of cross-border family conflicts.
- b) To discuss and agree on the methodology to be followed during the different meetings of this Working Group. In this respect, on the occasion of each meeting there will be a short presentation of the different participants’ experience in order to identify the topics to be discussed during the meeting and to facilitate the ensuing discussion, and possibly reach an agreement on the best practices. In addition, the different meetings of this working group will provide an EU and international approach thanks to the viewpoint of international experts invited to take part in the meetings. The discussion will be focused on the specific subject selected for each meeting and on possible good practices to be agreed upon.
- c) To be informed that the meetings and the work in between the meetings will be interconnected by means of a virtual platform (separate forum, document folder, etc.) specially developed for this working group, and accessible via the project website, thus allowing for a continued exchange of information and possible contributions.
- d) To promote mutual understanding and knowledge of the different judicial systems concerning cross-border family conflicts in the different countries which take part in the meeting.
- e) To further strengthen cooperation among the Euro-Mediterranean Partners in the field of justice.
- f) To have a fruitful debate on the state of play in the field of cross-border family conflicts in the Mediterranean countries, while presenting their respective experience and legal framework.
- g) To discuss some main usual problems faced in the region in case of cross-border family conflicts in order to facilitate the identification of best practices with a view to contributing to the handbook that should be produced by this Working Group at the end of its 5 meetings.

Participants also expressed the intention:

- ❑ To further reinforce the dialogue and to continue to work together in between the five meetings devoted to this component in order to produce the handbook expected at the end of their work. To this end, they could use the virtual platform on the EuroMed Justice III project website.
- ❑ To inform the concerned authorities and institutions in their respective countries of the results of this WG meeting in view of taking advantage of the experience gained during this meeting.

Finally and taking into account the main objective of this working group - the handbook - and considering that the work will be developed during 5 working group meetings, the last one being in April 2013, the participants agreed to continue the discussion on this topic during the next meeting without prejudice of the possibility for them of being in contact with the expert/s, project team and between themselves through the above-mentioned virtual platform on the project website. In addition, the participants were informed that the next meeting will take place in Rome (Italy) on 18-20 September 2012.

Participants agree with the conclusions of this meeting.

Participants are grateful to the Directorate-General Development and Co-operation- EuropeAid, European Commission, and to the Project Team for the organisation of this meeting.

Barcelona, 24 May 2012