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EuroMed Justice III Project

COMPONENT II: RESOLUTION OF CROSS-BORDER FAMILY CONFLICTS

WORKING GROUP 2

2nd Meeting

PREPARATION OF A HANDBOOK

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

Rome (IT), 18-20 September 2012

Ripa Hotel

Final Conclusions

The 2nd meeting of 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 18-20 September 2012 in Rome.

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, Italy, from Germany and from Tunisia.

The meeting was opened by Ms Maria Luisa Fichera, Project Manager Cocaine Route Monitoring and Support "CORMS" MAE-DGCS, and Italian National Focal Point for the EuroMed Justice III Project, and by Mr Andrés Salcedo Velasco, Team Leader of the EuroMed Justice III Project, who welcomed the participants. The meeting was closed by Mr Andrés Salcedo Velasco.

A summary of the work carried out since the previous meeting and the main topics suggested for discussion during this meeting were introduced by the Project Team experts and the main short-term expert, Ms Juliane Hirsch, in charge of this Working Group.

Furthermore, three presentations were made during the meeting, the first one on “The Central Authority: Practical Approach. The Italian experience” was made by Ms Luciana Sangiovanni, Italian Judge, Head of Central Authority, Juvenile Justice Department. During this presentation, the expert introduced the Italian Central Authority providing a practical approach to this institution. In this respect, she explained, among others, its administrative nature, functions, competence, proceedings, as well as some main problems to be tackled and possible solutions. In addition, the expert also provided some statistical information on the activity of this institution.

The second presentation on “Helping to solve cross-border family conflicts: The role of the Mixed Consultative Committees”, was delivered by Ms Néjiba Rouissi, Advocate General at the Judicial Services of the Tunisian Ministry of Justice. During her presentation, Ms Rouissi covered, among others, issues such as: the methods, mechanisms, functioning and limitations of the consultative mixed committees. In addition, she explained a number of tools that are complementary to mixed committees for solving cross-border conflicts: continuous training, exchange of judges, speeding up proceedings, concentration of judicial competences, exchange of ideas or information to the public.

The third presentation on “Helping to solve cross-border family conflicts: “The role of the “Liaison judges”, International Network of Judges and Direct Judicial Communications”, was made by Ms Sabine Brieger, Family Judge, Liaison judge in the International Hague Network of Judges and in the European Judicial Network, Germany. Ms Brieger started her presentation underlining the importance and the role of the networks, and explaining why direct judicial communication is necessary. She introduced then the International Hague Network of Judges (IHNJ), the European Judicial Network (EJN), the Ibero-American Legal Assistance Network (Iber-Red) and the International Association of Judges. In addition, she also explained the role of the liaison judges, the general principles for international judicial communication and which matters may be subject of direct communication.

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 second meeting gave them the opportunity:

- a) To continue 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 follow the methodology agreed during the first meeting and, in this context, to have the opportunity to listen to the different approaches and experiences of the beneficiary countries attending this meeting regarding the topics addressed during this second meeting.
- c) To be updated on the content of the project website and the separate forum (document folder, etc.) specially developed for this working group. On this point, there was general agreement on the convenience of using it as much as possible in between the different meetings for possible contributions and in order to keep in touch with the participants, experts and project team.
- d) To finalise the discussion and agreements on good practices in the field of custody and visiting rights started during the first meeting.
- e) To discuss on the best practices related to the topics on the agenda of the present meeting. These topics were: How to improve the co-operation between States on different levels- governmental, administrative and judicial co-operation. The Central Authorities and other central bodies providing information and assistance in cross-border family disputes, including Mixed Consultative Committees and other structures established by bilateral agreements. Consular and diplomatic agreements. How to improve judicial co-operation through International Network of Judges, Liaison Judges and Direct Judicial Communications.
- f) In addition, it was agreed to include in the next meeting as topic to be discussed “ A preliminary review of actual or potential obstacles to the ratification, transposition and/or implementation of the Hague Convention”
- g) To promote mutual understanding and knowledge of the different judicial systems concerning cross-border family conflicts in the different countries which attended the meeting.
- h) To further strengthen cooperation among the Euro-Mediterranean Partners in the field of justice.
- i) 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.
- j) To reach some additional agreements on the contents of 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 so that they can take 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 Madrid (Spain) on 11-13 December 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.

Rome, 20 September 2012