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**EuroMed Justice III Project**

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

**WORKING GROUP 2  
3rd Meeting**

**PREPARATION OF A HANDBOOK**

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

Madrid (ES), 11-13 December 2012

Hotel Catalonia Atocha

**Final Conclusions**

The 3rd 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 11-13 December 2012 in Madrid.

The participants were members of the delegations of the following Mediterranean countries: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, and Tunisia, and experts from the host country, Spain, and from the United Kingdom, as well as a member of the IBM Audit, Mr Rafael Eguiguren, sent by the EC to carry out an evaluation of this meeting.

The meeting was opened by Mr Ángel LLorente, Director-General of International Judicial Cooperation and Relations with Denominations, Spanish Ministry of Justice, 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 presented by Mr Andrés Salcedo, Team Leader (General presentation and conclusions obtained during the first and second meeting on this component), by Mr José María Fernández Villalobos, Course Manager (Organisation and methodology of the Working Groups meetings), and Ms Juliane Hirsch, Main Short-Term Expert (Scope and general contents of the debate during this Working Group meeting).

Two thematic presentations were made during the meeting.

The first presentation on “Child abduction and other cross-border family conflicts: practical approach. The Spanish experience”, was made by Mr Javier Forcada, Legal Advisor, General Directorate of International Judicial Cooperation and Relations with Denominations, Spanish Ministry of Justice; Senior Family judge. During his presentation the expert explained the Spanish experience related to the main and common problems faced in cross-border family conflicts, and more concretely those related to child abduction cases. In this respect, he explained among others the structure of the Spanish Central Authority, the functioning of this institution, the importance of the “Liaison Magistrates” in order to facilitate the solution of cross-border family conflicts, or the most relevant legal problems faced in the daily work. In addition, the speaker provided some statistical information concerning the number of cases dealt with in Spain on this topic.

The second presentation on “Helping to solve cross-border family conflicts: complementary perspectives”, was delivered by The Rt. Hon. Lord Justice Thorpe, Head of International Family Justice for England and Wales, United Kingdom, and Deputy Head of Domestic Family Justice. During his presentation the expert covered, among others, issues such as: Lawful and unlawful cross-border movements, the solutions to this problem considering the application of the Hague Conventions, the judicial activism in this matter, and other complementary perspectives.

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 third 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. In this respect there was a discussion and agreement on the work developed by the main short-term expert, Ms Juliane Hirsch, as a result of the first and second meeting.
- 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 opinions from the beneficiary countries’ participants regarding the topics addressed during this third 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 advisability 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 discuss and analyse the current situation of the project beneficiary countries with regards to the ratification, transposition and/or implementation of the Hague Conventions of 1996 and 1980, even though some countries participate in the Malta process or have signed the UN Convention on the Rights of the Child or other bilateral conventions or protocols, and reviewing current or potential obstacles to this ratification.
- e) To discuss on the best practices related to the topics on the agenda of the present meeting, such as the following topics: criteria governing international jurisdiction, problems related to conflicts of jurisdiction and conflicting decisions, how to improve and accelerate the recognition and enforcement abroad of decisions in cross-border family disputes, possibility of obtaining protective, urgent or interim measures or, finally, cross-border wrongful removal or retention of children.
- f) In addition, the main topic that will be discussed during the next meeting was announced, i.e. “Resolution of cross-border family conflicts: custody and visiting rights. Mediation and other means of Alternative Dispute Resolution”.
- g) To promote mutual understanding and knowledge of the different judicial systems concerning cross-border family conflicts in the different countries that were represented at 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.
- k) To start the discussion on the contents of the training sessions and study visits that will be developed during the second phase of the project.

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 relevant authorities and institutions in their respective countries of the results of this WG meeting so that they can also 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 The Hague (NL) on 5-7 March 2013.

Participants agree with the conclusions of this meeting.

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

Madrid, 13 December 2012