

Family Mediation and Guidance in Cross-Border Disputes within the EU: How to improve Practices?

This seminar is organized by the Judicial Training Institute (Belgium) in conjunction with the '*Ecole Nationale de la Magistrature*' (France), the '*Consejo General del Poder Judicial (Escuela Judicial)*' (Spain), the '*Studiecentrum Rechtspleging*' (Netherlands), the Supreme Court (Estonia), the National School of Judiciary and Public Prosecution (Poland) and the National Institute of Magistracy (Romania), and with financial support from the European Commission's Directorate-General for Justice, Freedom and Security (Specific Programme "Civil Justice" 2007-2013).

Ref.: MAG/INT/2012.103

Participants

The training seminar will be destined to 40 Belgian judges and prosecutors who are interested to gain knowledge and promote mediation. Furthermore, two judges/prosecutors of each of the 26 Member States of the EU Member States will participate.

Data

16-19 April 2012

Venue

Hôtel Jean de Bohême- Place aux Foires, 2 – 6940 Durbuy – Tel. +32.86.21.28.82
www.jean-de-boheme.be

Objectives

The overall objective is to encourage Belgian judges and prosecutors and magistrates from all other 26 EU Member States to apply efficiently alternative dispute resolution in cross-border family disputes by encouraging the use of mediation ensuring a balanced relationship between mediation and judicial proceedings.

This training seminar will contribute to the implementation of the European Parliament and Council directive (2008/52/EC) on certain aspects of mediation in civil and commercial matters, which has entered into force on 21 May 2011. By the time this conference will take place, Member States will have brought into force new laws and administrative provisions necessary to comply with this directive.

Given the above described legal framework, the specific objectives of the seminar will be the following:

- 1) to update the knowledge of judges and prosecutors on EU and national legal instruments on family mediation and guidance in cross-border disputes, with special focus on its implementation;
- 2) to exchange experiences and good practices with regard to the implementation of family mediation practises in different Member States;
- 3) to familiarize judges and prosecutors with mediation techniques (eg. conflict diagnosis, intervention techniques, etc.) in order to enhance a more efficient use of mediation and cross-border judicial co-operation in the future.

Languages

English and French

IGO Project Manager:

Hilde VAN LINDT
International Training Manager
Hilde.vanlindt@igo-ifj.be
Tel: +32 2 518 49 52
GSM: +32 474 86 13 83

Programme

1) Monday 16 April 2012

Arrival participants during afternoon.

6.00 pm	Registration
6.30 pm	Reception
7.30 pm	Welcome Diner

2) Tuesday 17 April 2012

The output of the seminar is a conference reader which includes the presentations of the speakers. The reader will be distributed at the Conference itself.

Further, deriving from the conference, conclusions will be drafted and presented by the rapporteur at the closing session. Those conclusions will contain also suggestions on how to improve practices at national and at European level.

Rapporteur:

Mrs. Lut DANIELS, Master in Psychology and Master in Law, Ph. D. Student at the Law Faculty of the University of Ghent on Family Mediation.

MORNING SESSION: The Legal Framework

President: Mrs. Edith VAN DEN BROECK, Magistrate, Director of the Institute on Judicial Training

9-9.15 am: *Welcome* by Mrs. Edith VAN DEN BROECK, Magistrate, Director of the Institute on Judicial Training

9.15- 9.35 am: *Mediation as a completion to our legal system*

Prof. Eric LANCKSWEERDT, First Auditor at the Belgian Council of State and guest professor at the Antwerp University

9.35-10.20 am: *Comparative Analysis of the implementation of the Mediation Directive 2008/52/EC in different Member States*

Mr. Ivan VEROUGSTRAETE, Honorary president of the Belgian Court of Cassation and the Benelux court, visiting professor Georgetown University

10.20- 10.45 am: BREAK

10.45- 11.50 am: *-View of different stakeholders:*

- *Lawyers:* Mrs. Martine DE VOORT, Chin-a-fat-De Voort Lawyers and mediators, Breda, The Netherlands

- *Mediators*: Mr. Bernard CASTELAIN, President of the Belgian Federal Mediation Commission
- *Judges*: Mrs. Isabel TOMAS GARCIA, Senior Judge, Head of International Relations Department, Escuela Judicial de Espana, Barcelona
- *Public Authority*: Mrs. Josiane PAUL, Advisor-Head of the Office of International Cooperation in Civil Matters, Central Authority for International Child Abduction, Ministry of Justice, Belgium

11.50- 12.30 am: Debate

12.30- 14.15 pm: Lunch

AFTERNOON SESSION: Best Practices in the Member States

14.15 pm – 17.30 pm: President: Prof. Patrick SENAËVE, Chambers President at the Court of Appeal in Brussels, Professor of Family Law, KU Leuven

Presentations (20') and discussion on Best Practices in some of the Member States with special focus on the description of the process, envisaged problems and challenges and suggestions to improve practices at national and EU level:

- Mediation in The Netherlands: Mr. Eric VAN ENGELN, Senior Judge/Vice-President District Court of Arnhem, Head of the Family & Juvenile Law Division.
- Mediation in Slovenia: Mrs. Nina BETETTO, Vice-President of the Supreme Court to National Assembly
- Mediation in Germany: Mrs. Martina ERB-KLÜNNEMANN, Family judge at the Hamm District Court (to be confirmed)
- Mediation in Belgium: Mrs. Sabine DE BAUW, President Chamber of the Court of Appeal in Ghent and Mrs. Barbara GAYSE, Attaché, Belgian Federal Mediation Commission

3.45-4.15 pm: BREAK

- Mediation in Romania: Mrs. Alexandra NEAGU, Seconded Judge at Department of the Government Agent for the European Court of Human Rights, Ministry of Justice.
- Mediation in Poland, Dr. Rafal MOREK, Faculty of Law, University of Warsaw and Honorary Secretary of the Board of Alternative Methods of Conflict and Dispute Resolution.
- Fifteen Years of Estonian Mediation Developments, Mrs. Anneli LIIVAMÄGI, MSc Psychologist

6 pm: Socio-cultural event

8 pm: Dinner

3) Wednesday 18 April 2012

MORNING (9.15 am – 1 pm): President: Mrs. Nadia DE VROEDE, Magistrate, Member of the Bureau of the High Council of Justice, Belgium

9.15-10.15 am:

Theoretical introduction to the workshops by Prof. Martin EUWEMA, KU Leuven, full professor Organizational Psychology, specialized in mediation and conflict management, president of the International Association for Conflict Management.

- The objective of the workshop is to familiarize magistrates with mediation techniques (e.g. Conflict diagnoses in order to allow them to judge correctly in which situations they should preferably redirect to mediation) and communication techniques (which will allow them to communicate in a professional way applying mediation)
- Participants will be divided into 4 working groups (max. 20 participant per WG): 3 English spoken and 1 French (nationalities will be mixed). All groups will work on the same cross-border case.
- 4 workshop coach-duo's will be in charge of coaching the workshops (3 EN + 1FR).
- Each workshop nominates a rapporteur who will brief the plenary on their experiences.

10.30-11 am: BREAK

11-1 pm: WORKSHOP: Session 1

- Group 1: Cees VAN LEUVEN (Judge-trainer at SSR (NL) in cooperation with Sabine DE BAUW (Judge-trainer) and Barbara GAYSE (Attaché, Belgian Federal Commission on Mediation)
- Group 2: Stanislas OSSIEUR (Lawyer-mediator) in cooperation with Wim MEUWISSEN (Lawyer-mediator)
- Group 3: Ragna VON GLASENAPP (Mediator), in cooperation with Agnieszka OLSZWESKA (Mediator at the Polish Mediation Center in Warsaw, Poland)
- Group 4 (FR): Mrs. Gabrielle VONFELT (Magistrate, Regional training Coordinator at ENM) in cooperation with Mr. Avi SCHNEEBALG (Peace Judge, mediator and mediation professor at the University of Antwerp and the University of Ghent, Belgium)

1-2.30 pm: LUNCH

AFTERNOON (2.30- 6 pm)

2.30 pm- 4.30 pm: **WORKSHOP: Session 2**

4.30 -5 pm: BREAK

5-6 pm: Wrap up and concluding remarks by Prof. Martin EUWEMA
Debriefing rapporteurs in plenary session

8 pm: DINNER

4) Thursday 19 April 2012

MORNING (9.30 am – 12.00 pm): **EU MEDIATION POLICY**

President: Mrs. Edith VAN DEN BROECK, Director IGO-IFJ

- Vision of the European Commission on the implementation of Directive 2008/52/EC: to be appointed
- Vision of the European Parliament Mediator for International Parental Child Abduction, Mrs. Roberta ANGELILLI, Member of the European Parliament (to be confirmed)

Rapporteur Mrs. Lut DANIELS reports back to the plenary on the conclusions of the overall seminar.

12 pm: LUNCH

2.00 pm: End of Seminar
