

## **Francophone - Anglophone Family Law Judicial Conference Dartington Hall, England**

From 4-7 June 2001 family law judges and lawyers gathered at the Franco-British conference at Dartington Hall. The following Resolutions were adopted:

### **Resolutions made by the United Kingdom of Great Britain and Northern Ireland:**

1. This colloquium must build regular meetings of the Francophone/Anglophone family justice systems on the foundations laid at Dartington, recognising the benefits that we have derived from the participation of several separate jurisdictions.
2. This colloquium supports the international collaboration of family law judges encouraged by the Hague Permanent Bureau and particularly the extension of the network of liaison judges.
3. Subject to the provisions of Brussels II, the courts of our jurisdiction should be provided with the power to make mirror orders in the interests of facilitating cross-border contact, notwithstanding that the child in question is neither habitually resident nor physically present in the jurisdiction of the court when the order is made.
4. If Member States have indeed lost their individual competence to ratify the 1996 Hague Convention on the Protection of Children, the colloquium urges the Council of Ministers to sanction as soon as possible EU Member States expeditious ratification of the Convention and equally urges the European Court of Justice to create a fast track mechanism for dealing with references under the Brussels II regulation.
5. That mutual understanding of the systems of family law in the Francophone and Anglophone countries of Europe is valuable to the professional development of the judges and lawyers in each jurisdiction, having regard to the common legal problems encountered in each.
6. That such understanding is particularly important in light of rapidly changing social attitudes to the traditional institution of family life and in light of the implementation throughout Europe of international conventions on related matters such as residence and contact rights in respect of children, measures to resolve issues of abduction and the mutual enforcement of judgments.
7. That by means of colloquia, other meetings and judicial exchanges, innovative legal skills may be explored and developed to assist in the resolution of family law disputes.

### **Resolutions made by France:**

The family law judges and lawyers gathered at the Franco-British conference at Dartington Hall on 4-7 June 2001, were able to exchange extensive and fruitful views on the evolution of European legislations in family matters and on their own respective judicial practices.

They wish to express their consensus on some objectives to be reached by public authorities and the judicial systems when dealing with family affairs: the

fundamental care of the interests and welfare of children, the effective promotion of the rights of children to entertain effective relations with each of their parents, as guaranteed by the New York Convention, the search for the best possible balance between the spouses' and partners' rights and duties even after the breakdown of marriage.

They submit:

That when they implement domestic reforms, governments should take into account the European implications of these reforms and therefore their best possible compatibility with other domestic legislations of the Council of Europe member countries.

That governments should try to prevent conflicts between international conventions and therefore that they should harmonise them.

That governments and judicial authorities should be ready to develop common practices to increase listening and understanding between parties in family law cases, in order that these can be solved, as far as possible, in friendly ways (family mediation, possibility for the parties to express themselves in person, education of judges, communication techniques...).

That governments should take practical steps to facilitate the implementation of the objectives and mechanisms of the Hague Convention of 25 October 1980 which allows effective transnational rights of access.