



Direct Judicial Communications on Family Law Matters and the Development of Judicial Networks

Conclusions and Recommendations

On 15-16 January 2009, judges and experts from Australia, Argentina, Austria, Belgium, Benin, Brazil, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Latvia, Lithuania, Malta, Mexico, Morocco, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, the United Kingdom, the United States of America, Uruguay, the European Commission, the International Association of Women Judges, as well as the Hague Conference on Private International Law, met in Brussels, Belgium, to discuss direct judicial communications on family law matters and the development of judicial networks.

The judicial conference reached the following recommendations and conclusions:

1. The conference emphasises the value of direct judicial communications in international child protection cases, as well as the development of international, regional and national judicial networks to support such communications.
2. States that have not designated Network judges are strongly encouraged to do so.
3. Judges designated to a network with responsibility for international child protection matters should be sitting judges with appropriate authority and experience in that area.
4. As a general rule, designations should be formal. Where a designation has been made on an informal basis, every effort should be made without delay to obtain a formal designation from the relevant authority.
5. The process for the designation of Network judges should respect the independence of the judiciary.
6. The different networks should operate in a complementary and coordinated manner in order to achieve synergies, and should, as far as possible, observe the same safeguards in relation to direct judicial communications.

7. The valuable work of regional judicial networks such as the European Judicial Network in Civil and Commercial Matters and IberRed should be recognised and promoted.
8. Member States of the European Union which have a specialist family judge as a member of the European Judicial Network in Civil and Commercial Matters but have made no designation to the International Hague Network of Judges are invited to consider the designation of the same judge or judges to the Hague Network.
9. IberRed Member States which have not designated a specialist family judge as a contact point but have designated a judge to the Hague Network are invited to consider the designation of the same judge or judges as contact points within IberRed.
10. The development of national networks in support of the international and regional networks should be advanced.
11. Efforts should be made within States to promote the appropriate use of direct judicial communications in the international protection of children and to increase awareness of the existence and role of Network judges.
12. The conference recognises the important role that Central Authorities can play in giving support to judicial networks and in facilitating direct judicial communication.
13. Adequate resources, including administrative and legal resources, should be made available to support the work of Network judges.
14. States experiencing a high volume of international child protection cases should consider setting-up an office to support the work of the Network judge or judges.
15. Where there is concern in any State as to the proper legal basis for direct judicial communications, whether under domestic law or procedure, or under relevant international instruments, the necessary steps should be taken to ensure that such legal basis exists.
16. The conference recognises the importance of the project initiated by the Hague Conference on Private International Law to develop the Draft General Principles on Direct Judicial Communications and endorses their general direction. Discussion in the conference has made a major contribution to the future development of the guidelines. The conference looks forward to their continued development and refinement in consultation with judges from all regions of the world and different legal traditions.
17. The conference recognises that there is a broad range of international instruments in relation to which direct judicial communications can play a valuable role.