

The EUROPEAN UNION

is an area in which the mobility of people inside and outside the union is a prerequisite for their personal and family situations to acquire an „international element“.

In situations with international element, the protection of personal and family rights of people can be a difficult task, that raises many questions, such as:

- Jurisdiction of Courts in matrimonial matters including divorce
- Recognition and enforcement of judgments – how decisions made in one EU member state are to be recognised and enforced in another EU member-state
- Recognition of a marriage certificate issued in one EU member state in another EU member state and etc.

The EUROPEAN UNION

for access to personal and family rights is aiming at finding answers to the raised questions.

The EUROPEAN PLATFORM

for access to personal and family rights is a website, where individuals and professionals can find information regarding the organisations in the European Union, providing services in the area of international private law, the thematic areas for support and intervention as well as the type of services that are provided by these organisations.



The project is financed by the European Union

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European platform

for access to personal and family rights



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THEMATIC AREAS FOR SUPPORT AND INTERVENTION with international element:

MARRIAGE, UNION OR PARTNERSHIP

- there are various models, that can regulate a stable relationship between two persons. These are the civil marriage, de facto union or the registered partnership. The rights and the obligations arising from these models are governed by the family law of each member state of the European Union.

FORCED MARRIAGE

- this is a marriage, in which one or the two parties is married without their consent or against their will. In forced marriages the right of each party to make individual decision either to marry or not to marry, is violated.

SHAM MARRIAGE

- this is a marriage of convenience entered into without intending to create a real marital relationship but usually for the purpose of gaining a citizenship or residence in a particular EU member state, a financial benefit or another aim. Sham marriage very often covers up relationships of violence, exploitation or human trafficking.

PARENTAL RESPONSIBILITY

- according to the law of the European Union parental responsibility is all rights and duties relating to the person or the property of a child, which are given to a natural or legal person by judgment, by operation of law or by an agreement having legal effect. The term parental responsibility includes the rights of custody (rights and duties relating to the care of the person of a child, and in particular to the right to determine the child's place of residence) and the rights of access (the right to take a child to a place other than his or her habitual residence for a limited period of time). Parental responsibility can be exercised by one of the parents or jointly by both parents, which matter is a subject of regulation by the family law of each EU member state.

SEPARATION AND DIVORCE

- separation or divorce is a subject of regulation by the law of each EU member state. However, the law of the European Union provides for the matters related to jurisdiction of courts to hear the case related to separation or divorce as well as the recognition and enforcement of judgments regarding separation or divorce, when there is an international element.

INTERNATIONAL CHILD ABDUCTION

- this is a wrongful removal or retention of a child across borders. The removal or the retention is considered to be wrongful, where:
 1. it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the state, in which the child was habitually resident immediately before the removal or retention;
 2. at the time of the removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

INTERNATIONAL FAMILY MEDIATION

- this is a process, in which an unbiased mediator enables members of a family in conflict, usually the parents, to settle the conflict through communication and discussion how they will continue to parent their children, in order to find solutions that work for all family members that are affected.

MAINTENANCE

- this is money to help pay for someone's living costs, most often the child's living costs. The child's maintenance is paid by the parent who doesn't usually live with the child to the person who has most day-to-day care of the child.

More information can be found at:
www.epapfr.com