



Introduction to Family Procedure in the UK. Women's Rights and Children's Rights

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What is Family Law?

State regulation of intimate and inter-personal relationships between individuals, both adults and minors.

How can the State intervene in people's private and family lives? In law, through the courts, by policy

By invitation

By obligation/duty to intervene

Secular vs Religious Law?

In the UK? - Islamic Tribunals, Jewish Court

In Algeria?

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How Does International and Regional Law Influence Domestic Law?

Tiers of Laws

- UN Convention on the Elimination on the Discrimination Against Women, UN Convention on the Rights of the Child – International
- European Convention on Human Rights 1950 – Regional
- Domestic – Children Act 1989, Family Law Act 1996, Matrimonial Causes Act 1976, Children and Adoption Act 2002, Human Rights Act 1998



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UN Convention on the Elimination of Discrimination Against Women – CEDAW UN Convention of the Rights of the Child – CRC – What are the Issues for UK/Algeria?

	UK	ALGERIA
Ratified	CRC – r. 1991 CEDAW – r.1986	CRC – r.1992 CEDAW – r.1996
Periodicity	CRC – CO 2008 CEDAW – Shadow Report due 2013, examination Autumn 2013	CRC - 3 rd and 4 th Report ex.June 2012 CEDAW - 3 rd and 4 th Reports ex. February 2012
Right of Individual Petition	CEDAW – Yes CRC – no, yes to others	CEDAW - ? CRC – No, yes to others



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How Does the Court manage and conduct disputes in family law?

- Statute set out legal obligations, principles, powers of the court, rights of parties and remedies, e.g CA1989
- Procedure, how to implement in a court, trial based adversarial (quasi inquisitorial)
 - FPR 2010 – forms, service, absence of a party at court,
 - PD's – media, experts, DV
 - Statutory Instrument



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Key Concepts and Principles

- Parental Responsibility
- Bests Interests
- Harm
- Negotiate, Agreement, Settlement

Reform Agenda

- 26 weeks
- Legal Aid
- Court Availability
- Economic Crisis in UK, CSR and funding of LA.



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How Does the UK/Algeria deal with?

Through law, policy, programmes, Govt Agencies, Civil society? HR's compliance?

- Domestic Violence cases? National Action plan on VAWG? Legal Injunctions?
- Child Abuse? Children's Commissioners? Wales Measure? Social Workers? Alternative care?
- Divorce? - Legal Aid reform April 2013
- Child Custody/Adoption? - Legal Aid reform April 2013, mediation? Role of lawyers?