



PRESS RELEASE

“The Malta Process, developed within the framework of the Hague Conference on Private International Law, promotes co-operation with certain countries of Islamic legal tradition for the resolution of complex transfrontier family conflicts, notably the issues of protection of contact rights between parents and children, and the issues of parental child abduction. ”

**Jacques Barrot, Vice-Chair of the European Commission
(Union pour la Méditerranée - Nice, France, 28 June 2008)**

“We still have a long way to go. The consensus achieved among judges and other experts still has to be widened to a broader range of States and translated into practical working arrangements. More work is needed to bring our legal systems not into line, but into a state of fruitful co-operation. We need to continue to work to break down barriers of ignorance and mistrust. Our children and their parents deserve no less.”

**William Duncan, Deputy Secretary General Hague Conference
(ICMEC Conference - Cairo, Egypt, 19 February 2009)**

**Third Malta Judicial Conference on Cross-Frontier Family Law Issues,
organised by the Hague Conference on Private International Law,
hosted by the Government of Malta**

**“The Malta Process”
An eye-opening experience for all those involved**

**24-26 MARCH 2009
St. Julian's, Malta**

1. The Malta Process is aimed at finding solutions to difficult and sometimes tragic family situations which are occurring ever more frequently in a mobile world. An example of the kind of scenario was discussed by the senior judges and policy makers present is the following:

- *Najwa has not seen her son for five years now. Najwa, married to Mahdi, both of the Muslim faith, lived together with their son Hassan in the Netherlands. With Najwa's permission, Mahdi took Hassan, 5 years old at the time, to visit his relatives in Morocco, but never returned.*
- *Ali and Charlotte have been married for 10 years. Ali is originally from Morocco and Charlotte is from the Netherlands. With their 8-year old son, Gabriel, they live in Ali's home country. Gabriel is being brought up in the Muslim faith. Ali has a full-time job and Charlotte is a stay-at-home mother; she spends all her time with Gabriel outside of school hours.*

Recently Ali and Charlotte have been having marital problems due to financial pressure. With Ali's permission, Charlotte visits her relatives in her country with Gabriel. All the arrangements are made to allow Charlotte to take Gabriel and return two months later.

During the visit, Charlotte phones a friend in Morocco to catch up and the latter informs her that she heard a rumour that Ali intends to ask the courts for full custody of Gabriel upon their return. A very concerned Charlotte decides not to return. Charlotte herself asks the courts in her home country to obtain a custody order in her favour. At the same time Ali asks the courts in his country to give him custody of Gabriel which is granted principally on the basis that at the age of 8 years, a boy should be placed in the custody of his father. Gabriel misses his father and would very much like to see him but he does not want to leave his mother.

2. The Malta Process aims to encourage dialogue between experts (especially judges) from countries which are parties to the *Hague Child Abduction Convention* and to the *Hague Child Protection Convention*, and

MORE THAN 80 EXPERTS GATHERED IN MALTA TO DISCUSS CROSS-FRONTIER CHILD PROTECTION

countries that are not parties to these Conventions and whose legal systems are influenced by or based upon Shariah law.

Particularly, the Conference in Malta explored the development of closer co-operation among governmental bodies and networking among judges; it discussed ways in which parental abductions can be prevented; it promoted parental agreement; it discussed practical arrangements needed to facilitate transfrontier visits such as visa problems; and it highlighted and encouraged the exchange of information concerning the laws and practices of the different legal systems.

3. This Conference continued the process of dialogue, which began with the first (2004) and second (2006) Malta Conferences, resulting in the Conclusions and Recommendations contained in the "Malta Declaration" (see attached to the 2009 Malta Declaration). The Conference is the third of this kind, forming now the "Malta Process".
4. More than 80 experts from 24 countries gathered in Malta to discuss cross-frontier child protection issues. The States concerned were Australia, Bangladesh, Belgium, Canada, Egypt, France, Germany, India, Israel, Jordan, Malaysia, Malta, Morocco, the Netherlands, Oman, Pakistan, Qatar, Spain, Sweden, Switzerland, Tunisia, Turkey, the United Kingdom and the United States of America. The League of Arab States, the United Nations Committee on the Rights of the Child, the European Union (the Commission, the Parliament and the Council) also participated. In addition, three non-Governmental Organisations (International Social Service (ISS), International Centre for Missing and Exploited Children (ICMEC) and Reunite) attended.
5. Najwa, Mahdi and their son, Ali, Charlotte and Gabriel... and many other families and children who find themselves in similar situations will benefit from better co-operation and understanding among States, a willingness to explore and consider new solutions and the need to find solutions though a process of consensus. The Malta Process proceeded on this basis.
6. See the website of the Hague Conference for the Conclusions & Recommendations of the Third Malta Judicial Conference to be posted soon at < www.hcch.net > under "News & Events 2009".

Date	24-26 March 2009
Location	St. Julian's, Malta
Theme	The Malta Process – dialogue between judges and other experts on Cross-Frontier Family Law Issues
Connection with The Hague, Legal Capital	Organised by the Hague Conference on Private International Law (hosted by the Government of Malta)
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The Hague Conference on Private International Law is the World Organisation for Cross-border Co-operation in Civil and Commercial Matters. It has 69 Members located on every continent. Furthermore, more than 125 States are Parties to one or more Hague Conventions.

In essence, the purpose of the Organisation is to build bridges between various legal systems, while respecting their diversity. In doing so it reinforces the legal security of private persons – an essential role in an age of globalisation in which rules and guidelines are needed.
