

**QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF  
THE 1980 CONVENTION**

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1980 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

<b>Name of State or territorial unit:<sup>1</sup></b>	Malta
<i>For follow-up purposes</i>	
Name of contact person:	Francesca Muscat Camilleri
Name of Authority / Office:	Central Authority
Telephone number:	00356 22788371
E-mail address:	francesca.muscat-camilleri@gov.mt

**PART I: RECENT DEVELOPMENTS<sup>2</sup>**

**1. Recent developments in your State**

1.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation or procedural rules applicable in cases of international child abduction. Where possible, please state the reason for the development in the legislation / rules, and, where possible, the results achieved in practice (e.g., reducing the time required to decide cases).

- No  
 Yes, please specify:

1.2 Please provide a brief summary of any significant decisions concerning the interpretation and application of the 1980 Convention rendered since the 2011 / 2012 Special Commission by the relevant authorities<sup>3</sup> in your State including in the context of the 20 November 1989 United Nations Convention on the Rights of the Child and relevant regional instruments.

Not Applicable

1.3 Please provide a brief summary of any other significant developments in your State since the 2011 / 2012 Special Commission relating to international child abduction.

Not Applicable

**2. Issues of compliance**

2.1 Are there any States Parties to the 1980 Convention with whom you are having particular challenges in achieving successful co-operation? Please specify the challenges you have encountered and, in particular, whether the problems appear to be systemic.

- No  
 Yes, please specify:

2.2 Are you aware of situations / circumstances in which there has been avoidance / evasion of the 1980 Convention?

- No

<sup>1</sup> The term "State" in this Questionnaire includes a territorial unit, where relevant.

<sup>2</sup> This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction and international child protection which have occurred in your State since the Sixth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (1-10 June 2011 and 25-31 January 2012) (hereinafter "the 2011 / 2012 Special Commission"). However, if there are important matters which you consider should be raised from *prior to* the 2011 / 2012 Special Commission, please provide such information here.

<sup>3</sup> The term "relevant authorities" is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1980 Convention. Whilst in the majority of States Parties such "authorities" will be courts (i.e., judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

Yes, please specify:

<b>PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION</b>
--

### 3. The role and functions of Central Authorities designated under the 1980 Convention<sup>4</sup>

#### *In general*

3.1 Have any challenges arisen in practice in achieving effective communication or co-operation with other Central Authorities?

- No  
 Yes, please specify:

3.2 Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in States Parties with whom you have co-operated?

- No  
 Yes, please specify:

3.3 Has your Central Authority encountered any challenges with the application of any of the 1980 Convention provisions? If so, please specify.

- No  
 Yes, please specify:

#### *Legal aid and representation*

3.4 Do the measures your Central Authority takes to provide or facilitate the provision of legal aid, legal advice and representation in return proceedings under the 1980 Convention (**Art. 7(2)-(g)**) result in delays in proceedings either in your own State, or, where cases originate in your State, in any of the requested States you have dealt with?

- No  
 Yes, please specify:

3.5 Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States you have dealt with, regarding the obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?<sup>5</sup>

- No  
 Yes, please specify:

#### *Locating the child*

3.6 Has your Central Authority encountered any challenges with locating children in cases involving the 1980 Convention, either as a requesting or requested State?

- No  
 Yes, please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:

<sup>4</sup> See also Section 5 below on "Ensuring the safe return of children" which involves the role and functions of Central Authorities.

<sup>5</sup> See paras 1.1.4 to 1.1.6 of the "Conclusions and Recommendations of the Fifth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the practical implementation of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (30 October – 9 November 2006) (hereinafter referred to as the "[Conclusions and Recommendations of the 2006 Special Commission](#)") and paragraphs 32 to 34 of the [Conclusions and Recommendations of the Special Commission to review the operation of the Hague Convention of 19 October 1980 on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children \(1-10 June 2011 and 25-31 January 2012\)](#) (hereinafter the "C&R of the 2011/2012 Special Commission") (available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Special Commission meetings").

There were cases where it was more difficult to trace the child than in others. As regards to incoming requests the Malta CA works with national entities to trace the child. The child has been located in all cases the Malta CA was requested to assist in the past five years.

3.7 Has your Central Authority worked with any external agencies to discover the whereabouts of a child wrongfully removed to or retained within your State (e.g., the police, Interpol, private location services)?

- No  
 Yes, please share any good practice on this matter:

The Malta Central Authority works with the local Police, the Immigration Police, the Malta Employment Agency (Jobs Plus), Social Security Department and Education Department in order to trace a child. It does not exclude working with other entities, in the future, in order to ensure that a child is traced.

#### *Information exchange, training and networking of Central Authorities*

3.8 Has your Central Authority shared its expertise with another Central Authority or benefited from another Central Authority sharing its expertise with your Central Authority, in accordance with the Guide to Good Practice – Part I on Central Authority Practice?<sup>6</sup>

- No  
 Yes, please specify:

3.9 Has your Central Authority organised or participated in any other networking initiatives between Central Authorities such as regional meetings via conference call or videoconference?

- No  
 Yes, please specify:

#### *Statistics<sup>7</sup>*

3.10 If your Central Authority does not submit statistics through the web-based INCASTAT database, please explain why.

The web-based database INCASTAT will be given further priority in the coming months.

#### *Prompt handling of cases*

3.11 Does your Central Authority have mechanisms in place to ensure the prompt handling of cases?

- No  
 Yes, please specify:

The Malta Central Authority is administratively and procedurally equipped to handle cases in a very short timeframe once cases are received.

3.12 If your Central Authority is experiencing delays in handling cases please specify the main reasons for these delays:

Once a case is transmitted to the Malta Central Authority the case is usually brought before the Civil Court (Family Section) in a matter of weeks. Delays are sometimes experienced before the said court due to unforeseen circumstances, for instance, the taking of evidence of the left behind parent who is not present in Malta, might be difficult to execute especially when there are different time zones.

## **4. Court proceedings & promptness**

4.1 Has your State limited the number of judicial or administrative authorities who can hear return applications under the 1980 Convention (i.e., concentration of jurisdiction)?<sup>8</sup>

<sup>6</sup> Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice". See, in particular, Chapter 6.5 on twinning arrangements.

<sup>7</sup> See paras 1.1.16 to 1.1.21 of the Conclusions and Recommendations of the 2006 Special Commission (*supra*. note 5).

- Yes  
 No, please indicate if such arrangements are being contemplated:

4.2 Does your State have mechanisms in place to handle return decisions within six weeks (e.g., production of summary evidence, limitation of appeals, swift enforcement)?

- No  
 Yes, please explain:

4.3 If your response to the previous question is No, does your State contemplate implementing mechanisms to meet the requirement of prompt return under the 1980 Convention (e.g., procedures, bench-books, guidelines, protocols)?

- No, please explain:  
[Please insert text here](#)  
 Yes, please explain:

[In all cases effort is made by the Malta Central Authority and the law courts to have the case decided in the shortest timeframe possible.](#)

4.4 If your State is experiencing delays in handling return decisions please specify the main reasons for these delays:

[The reason why Malta sometimes experience delays in handling return decisions is due to circumstances beyond the judges control.](#)

4.5 Do your courts regularly order immediate protective measures when initiating the return procedure, so as to prevent a new removal and minimize the harm to the child (e.g., prohibit removal of the child from the jurisdiction, retain documentation, grant provisional access rights to the left-behind parent)?

- No, please explain:  
[Please insert text here](#)  
 Yes, please explain:

[In all child abduction cases the Civil Court \(Family Section\) always puts in effect an impediment on departure prior to the commencement of return proceedings. When the travel document has been issued by Maltese authorities, the police have the power to seize this document and deposit the said travel document in court. When the travel documents is not issued by Maltese authorities, the Court usually orders that the parent in possession of the travel document to deposit the said documents in court. The depositing of documents takes place in parallel with the order not to leave the country.](#)

4.6 Do your courts make use of direct judicial communications to ensure prompt proceedings?

- Yes  
 No, please explain:

4.7 If your State has not designated a sitting judge to the International Hague Network of Judges does your State intend to do so in the near future?

- Yes  
 No, please explain:

[Malta already has a sitting judge.](#)

4.8 Please comment upon any cases (whether your State was the requesting or requested State), in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge or other authority in the requesting State regarding the issue of the child's safe return. What was the specific purpose of the communication? What was the outcome?

[Late in 2015 Malta was requested to assist a father in New Zealand to have his children returned there after they had been wrongfully removed from that country and brought to Malta. The Court asked \(out of cordiality\) the parties in the case to authorise direct judicial communication with the New Zealand Hague Network Judge and the parties duly authorised such communication. The reason for this request for direct judicial communication, was because the court needed to ascertain what the ground situation was](#)

---

<sup>8</sup> See, [The Judges' Newsletter](#) on International Child Protection – [Vol. XX / Summer-Autumn 2013](#) the special focus of which was "Concentration of jurisdiction under the *Hague Convention of 25 October 1980 on the civil aspects of International Child Abduction* and other international child protection instruments".

and wanted to make sure that the children would be well looked after if an order for return was made..

## 5. **Ensuring the safe return of children**<sup>9</sup>

*Methods for ensuring the safe return of children*<sup>10</sup>

5.1 What measures has your Central Authority taken to ensure that the recommendations of the 2006 and 2011 / 2012 Special Commission meetings<sup>11</sup> regarding the safe return of children are implemented?

In accordance with Part VIII of the 2006 Special Commission, the Malta Central Authority endeavours to obtain a voluntary return of the child before court proceeding start. The same is done as soon and after a judicial decision ordering a return is delivered by the Civil Court (Family Section).

When there is a decision for return the Malta Central Authority will liaise with Agenzija Appogg which is the child welfare agency in Malta to check whether the abducting parent will return and in such cases whether any assistance can be offered. If the abducting parent will not return voluntarily, the left behind parent will come and collect the children. If there is any allegation that harm will happen to the children upon their return, during the court proceedings the court may itself check whether there is really a danger of the harm alleged through direct judicial communication.

5.2 In particular, in a case where the safety of a child is in issue and where a return order has been made in your State, how does your Central Authority ensure that the appropriate child protection bodies in the *requesting* State are alerted so that they may act to protect the welfare of a child upon return (until the appropriate court in the requesting State has been effectively seised)?

To date the Malta Central Authority has not been informed that the safety of a child will be an issue if a child were to be returned, however if this were to be the case the Malta Central Authority would contact its counter-part to determine which authority in the requesting state should be alerted and it will ensure that such authorities are duly alerted.

5.3 Where there are concerns in the requested State regarding possible risks for a child following a return, what conditions or requirements can the relevant authority in your State put in place to minimise or eliminate those concerns?

The Civil Court (Family Section) being the relevant authority may order that a child is returned with a particular person or that the child is returned only after certain events have taken place. For example, the court may order that a child will only be returned after the left behind parent institutes proceedings in the requesting state. The family court is able to put forward various conditions or requirements upon the child's return.

---

<sup>9</sup> See **Art. 7(2) h)** of the 1980 Convention.

<sup>10</sup> Where relevant, please make reference to the use of undertakings, mirror orders and safe harbour orders and other such measures in your State.

<sup>11</sup> See the [Conclusions and Recommendations](#) of the Special Commission of 2006 (*supra*. note 5) at paras 1.1.12 and 1.8.1 to 1.8.2 and 1.8.4 to 1.8.5 and the Appendix to the Conclusions and Recommendations and the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5).at paras 39-43.

*Use of the 1996 Convention to ensure a safe return*

5.4 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**), in providing for their recognition by operation of law (**Art. 23**), and in communicating information relevant to the protection of the child (**Art. 34**)?

No

Yes, please explain:

Malta is already party to the 1996 Convention

*Protection of primary carer*

5.5 Are you aware of cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, harassment, etc.) or others, has refused or has not been in a position to return with the child to the requesting State? How are such cases dealt with in your State? Please explain and provide case examples where possible.

The Malta Central Authority is not aware of any of such cases.

5.6 In particular, would your authorities consider putting in place measures to protect the primary carer upon return in the requesting State as a mean to secure the safe return of the child? Please explain and provide case examples where possible.

Yes, the Maltese Central Authority will consider all possible options in such a situation. No examples can be given since so far there was never the need to issue protective measures on the primary carer.

*Post-return information*

5.7 In cases where measures are put in place in your State to ensure the safety of a child upon return, does your State (through the Central Authority, or otherwise) attempt to monitor the effectiveness of those measures upon the child's return? Would you support a recommendation that States Parties should co-operate to provide each other with follow-up information on such matters, insofar as is possible?

The Civil Court (Family Section) may decide to continue to monitor the effectiveness of those measures upon the child's return. The Central Authority supports cooperation in this regard.

5.8 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for requesting a report on the situation of the child upon return to the State of habitual residence (**Art. 32-(a)**)?

No

Yes, please explain:

Please insert text here

## **6. Voluntary agreements and mediation**

6.1 How does your Central Authority (either directly or through any intermediary) take, or is it considering taking, appropriate steps under **Article 7-(c)** to secure the voluntary return of the child or to bring about an amicable resolution of the issues? Please explain:

The Malta Central Authority will ask the abducting person to come to visit its office and will explain the application that it would have received. It would inform the abducting person that it will be in its interest to return the child if there are no legal grounds for such person to retain the child in Malta.

6.2 In what ways have you used the "Guide to Good Practice on Mediation"<sup>12</sup> for the purpose of implementing the 1980 Convention in your State? Please explain:

This section has been used and has inspired the Civil Court (Family Section) to order

<sup>12</sup> Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

cross-border mediation to be carried out via Skype pending court proceedings. The cross-border mediation sessions were carried out in a way that they did not delay the continuation of the case and were carried out by a professional mediator.

6.3 Has your State considered or is it in the process of considering the establishment of a Central Contact Point for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children, or has this task been entrusted to the Central Authority?<sup>13</sup>

- No, please explain:
- Yes, please explain:  
This has yet to be decided.

## 7. Preventive measures

7.1 Has your State taken steps to advance the development of a travel form under the auspices of the International Civil Aviation Organisation?<sup>14</sup>

- No
- Yes, please describe:

7.2 Regardless of whether the International Civil Aviation Organisation adds the development of a travel form to its work programme, would your State support the development of a non-mandatory model travel form under the auspices of the Hague Conference?

- Yes
- No, please explain:

## 8. The Guide to Good Practice under the 1980 Convention

8.1 In what ways have you used the Parts of the Guide to Good Practice<sup>15</sup> to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State?

a. Part I on Central Authority Practice. Please explain:

Part I of the guide was used by the Malta Central Authority and this to ensure that the CA has enough power to ensure that the Convention is properly applied in Malta and that it has qualified personnel that are able to understand how the Convention should be properly implemented. Moreover cases are periodically monitored to ensure proper follow-up and that all cases are being followed up accordingly. During this meeting there is always a lawyer and a case officer present. To date neither the Central Authority nor the court have lamented that the means of communication are inadequate to carry out the functions of the Convention effectively. The Malta CA feels that there is sufficient cooperation with Central Authorities of other Member States. There were instances where telephone calls had to be made to ensure a reply within a shorter period of time.

b. Part II on Implementing Measures. Please explain:

Part II of the Guide to Good Practice was used by the Malta Central Authority to check the legal aid obligations under the Convention, the role of central authorities and verify legal procedures matters (mainly on rules of evidence of foreign law).

c. Part III on Preventive Measures. Please explain:

Part III of the Guide on preventive measures was used to determine whether the system of warrants used in Malta was sufficient for the purposes of the Convention. This coupled with the missing persons alert that is issued by the Interpol.

d. Part IV on Enforcement. Please explain:

The Part IV of the guide was used when drafting an agreement with Agenzija Appogg (the child welfare agency of Malta) when identifying what measures can be taken by Agenzija Appogg to assist with the return of the children, out of Malta to ensure that the process is least traumatic for the children involved.

8.2 How have you ensured that the relevant authorities in your State have been made aware of, and have had access to, the Guide to Good Practice?

<sup>13</sup> As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". par. 114-117. See also Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 61.

<sup>14</sup> See the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 92.

<sup>15</sup> All Parts of the Guide to Good Practice under the 1980 Convention are available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

The Guide of Good Practice is referred to when dealing with other relevant authorities in Malta.

8.3 Do you have any other comments about any Part of the Guide to Good Practice?

No comment.

**9. Publicity and debate concerning the 1980 Convention**

9.1 Has the 1980 Convention given rise to (a) any publicity (positive or negative) in your State, or (b) any debate or discussion in your national parliament or its equivalent?

No

Yes, please indicate the outcome of this debate or discussion, if any:

Some child abduction cases are publicized on the media; however there were no debates on the matter.

9.2 By what methods does your State disseminate information to the public about the 1980 Convention?

Through the website of the Department for Social Welfare Standards, which falls under the Ministry of Family and Social Solidarity.

<b>PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION</b>
--

**10. Transfrontier access / contact<sup>16</sup>**

10.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier contact / access?

- No  
 Yes, please explain:

10.2 Please indicate any important developments in your State, since the 2011 / 2012 Special Commission, in the interpretation of **Article 21** of the 1980 Convention.

No important development in this regard on this article.

10.3 What problems have you experienced, if any, as regards co-operation with other States in respect of:

- a. the granting or maintaining of access rights;  
no major issues.
- b. the effective exercise of rights of access; and  
no major issues.
- c. the restriction or termination of access rights.  
No case has been received or transmitted by the Malta CA whereby a parent sought the restriction or termination of access rights.

Please provide case examples where possible.  
Not applicable

10.4 In what ways have you used the "General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children"<sup>17</sup> to assist in transfrontier contact / access cases in your State? Can you suggest any further principles of good practice?

In regards to applications from other EU Member States, Malta is bound by the Regulation (EC) 2201/2003 which is used in parallel with the 1980 Hague Convention and make provision for the practical implementation of a foreign order for contact / child access. As regards to non-EU countries Malta has limited success in this regard, mainly because contact was obtain mainly through voluntary means.

**11. International family relocation<sup>18</sup>**

11.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation, procedural rules or case law applicable to international family relocation? Where possible, please explain these developments in the legislation, procedural rules or case law:

<sup>16</sup> See the [Conclusions and Recommendations](#) of the 2006 Special Commission (*supra*. note 5) at paras 1.7.1 to 1.7.3.

<sup>17</sup> Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

<sup>18</sup> See the Conclusions and Recommendations of the 2006 Special Commission meeting at paras 1.7.4 to 1.7.5:

"1.7.4 The Special Commission concludes that parents, before they move with their children from one country to another, should be encouraged not to take unilateral action by unlawfully removing a child but to make appropriate arrangements for access and contact preferably by agreement, particularly where one parent intends to remain behind after the move.

1.7.5 The Special Commission encourages all attempts to seek to resolve differences among the legal systems so as to arrive as far as possible at a common approach and common standards as regards relocation."

No

**PART V: NON-CONVENTION CASES AND NON-CONVENTION STATES****12. Non-Convention cases and non-Convention States**

- 12.1 Are there any States that you would particularly like to see become a State Party to the 1980 Convention? If so, what steps would you suggest could be taken to promote the Convention and encourage ratification of, or accession to, the Convention in those States? Please explain:

Answers to be given by the EU

- 12.2 Are there any States which are not Parties to the 1980 Convention or not Members of the Hague Conference that you would like to see invited to the Special Commission meeting in 2017?

No comment

*The "Malta Process"*<sup>19</sup>

- 12.2 In relation to the "Malta Process":

- a. Do you have any comment to make on the "Principles for the Establishment of Mediation Structures in the context of the Malta Process" and the accompanying Explanatory Memorandum?<sup>20</sup>

No additional comments

- b. Have any steps been taken towards the implementation of the Malta Principles in your State and the designation of a Central Contact Point, in order to better address cross-border family disputes over children involving States that are not a Party to the 1980 and 1996 Hague Conventions?

No

Yes, please explain:

Whilst the Central Authority of Malta acts as a Central Contact Point, in previous years Malta has established the Malta Mediation Centre (<https://mjcl.gov.mt/en/mmc/Pages/home.aspx>) which together with the Central Authority provides all the information on the points mentioned in Part A of the principles of the Malta Process, and fulfills all of the requirements laid down by the principles in Part A and B.

- c. What is your view as to the future of the "Malta Process"?

The Malta Process should be extended to cover situations where mediation would also take place pending court proceedings and that mediation is without prejudice to the court proceedings so that the rights of the parties are not prejudiced. The principles should also make better provisions for the use of modern communication technology to facilitate mediation.

**PART VI: TRAINING AND EDUCATION AND  
THE TOOLS, SERVICES AND SUPPORT PROVIDED  
BY THE PERMANENT BUREAU****13. Training and education**

- 13.1 Can you give details of any training sessions / conferences organised in your State to support the effective functioning of the 1980 Convention, and the influence that such sessions / conferences have had?

<sup>19</sup> The "Malta Process" is a dialogue between certain States Parties to the 1980 and 1996 Conventions and certain States which are not Parties to either Convention, with a view to securing better protection for cross-border rights of contact of parents and their children and addressing the problems posed by international abduction between the States concerned. For further information see the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

<sup>20</sup> The Principles and Explanatory Memorandum were circulated to all Hague Conference Member States and all States participating in the Malta Process in November 2010. They are available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

Meetings are often held with different entities in Malta in order to ensure that the 1980 Hague Convention is implemented properly. These meetings are usually bilateral meetings between the Malta Central Authority and other entities in Malta. No training, seminar or conference was held in Malta on the 1980 Convention.

#### **14. The tools, services and support provided by the Permanent Bureau**

##### *In general*

14.1 Please comment or state your reflections on the specific tools, services and support provided by the Permanent Bureau to assist with the practical operation of the 1980 and 1996 Conventions, including:

- a. The Country Profile available under the Child Abduction Section.

This section has not been referred to often by the Malta CA, but has been referred to in cases where the applicant complained that he or she was not receiving the required assistance from the requesting CA.

- b. INCADAT (the international child abduction database, available at < [www.incadat.com](http://www.incadat.com) >).  
The INCADAT is a source of information and is often used by lawyers.

- c. *The Judges' Newsletter* on International Child Protection - the publication of the Hague Conference on Private International Law which is available online for free;<sup>21</sup>  
The Malta CA is aware that reference has been made to this newsletter,

- d. The specialised "Child Abduction Section" of the Hague Conference website (< [www.hcch.net](http://www.hcch.net) >);  
No comment

- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);<sup>22</sup>  
INCASTAT is a good source of data collection

- f. Providing technical assistance and training to States Parties regarding the practical operation of the 1980 and 1996 Conventions.<sup>23</sup> Such technical assistance and training may involve persons visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;  
This practice is encouraged

- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);<sup>24</sup>  
This practice is encouraged

- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;  
This practice is encouraged

- i. Supporting communications among Hague Network Judges and between Hague Network Judges and Central Authorities, including maintaining a confidential database of up-to-date contact details of Hague Network Judges  
This practice is encouraged

##### *Other*

14.2 What other measures or mechanisms would you recommend:

<sup>21</sup> Available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" and "Judges' Newsletter on International Child Protection". For some volumes of *The Judges' Newsletter*, it is possible to download individual articles as required.

<sup>22</sup> Further information is available via the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "INCASTAT".

<sup>23</sup> Such technical assistance may be provided to judges, Central Authority personnel and / or other professionals involved with the practical operation of the Convention(s).

<sup>24</sup> Which again may involve State delegates and others visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences.

- a. To improve the monitoring of the operation of the Conventions;  
[No comment](#)
- b. To assist States in meeting their Convention obligations; and  
[No comment](#)
- c. To evaluate whether serious violations of Convention obligations have occurred?  
[No comment](#)

<b>PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION AND ANY OTHER MATTERS</b>
--

**15. Views on priorities and recommendations for the Special Commission**

15.1 Which matters does your State think ought to be accorded particular priority on the agenda for the Special Commission? Please provide a brief explanation supporting your response.

[No comment](#)

15.2 States are invited to make proposals concerning any particular recommendations they think ought to be made by the Special Commission.

[No comment](#)

**16. Any other matters**

16.1 States are invited to comment on any other matters which they may wish to raise concerning the practical operation of the 1980 Convention.

[No comment](#)