

Key Takeaways from Malta I to IV and Expectations for Malta V and beyond

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Context

Cross-Border Families:

EU in 2022

- 5.1 million immigrants entered the EU from non-EU countries in 2022, an increase of around 117% (2.7 million) compared with 2021.
- 27.3 million people (6.1%) of the 448.8 million people living in the EU on 1 January 2023 were non-EU citizens.
- 22% of people aged 15-74 years were either foreign-born or a descendant of foreign-born persons.

International Families: 42 million residents born in Non- EU/EFTA States

EU/EFTA Member State	Total Population	Foreign Country (% of total pop)	Born in Another EU Member State (Number & %)		Born in a Non-EU/EFTA State	
Austria	8,858,775	19.4	785,146:	8.8%	937,687:	18.6%
Belgium	11,455,519	17.2	901,262:	7.9%	1,066,798:	9.3%
Bulgaria	7,000,039	2.5	62,441:	1%	109,552:	1.5%
Croatia	4,076,246	12.9	66,462:	1.6%	460,846:	11.3%
Czech Republic	10,649,800	4.8	198,386:	1.9%	308,665:	2.9%
Denmark	5,806,081	12.2	247,376:	4.3%	460,504:	7.9%
Estonia	1,324,820	14.9	25,732:	1.9%	172,164:	13%
Finland	5,517,919	6.8	126,536:	2.3%	250,824:	4.5%
France	67,012,883	12.5	2,183,286:	3.3%	6,171,714:	9.2%
Germany	83,019,213	17.9	6,438,316:	7.7%	8,441,319:	10.2%
Greece	10,724,599	12.2	348,664:	3.2%	958,807:	9%
Hungary	9,772,756	5.8	329,671:	3.4%	235,090:	2.4%
Iceland	356,991	16.8	42,536:	12%	17,463:	4.8%
Ireland	4,904,240	17.2	624,435:	12.7%	219,977:	4.5%
Italy	60,359,546	10.4	1,837,636:	3%	4,460,357:	7.4%
Latvia	1,919,968	12.6	27,555:	1.4%	214,199:	11.2%
Liechtenstein	38,387	66.6	8,364:	21.8%	17,197:	44.8%
Lithuania	2,794,184	4.9	22,985:	0.8%	115,186:	4.1%
Luxembourg	613,894	47.3	215,016:	35%	75,628:	12.3%
Malta	493,559	20.2	48,278:	9.8%	51,277:	10.4%
Netherlands	17,282,163	13.3	647,539:	3.7%	1,651,166:	9.6%
Norway	5,328,212	15.8	357,608:	6.7%	483,972:	9.1%
Poland	37,972,812	2.0	277,100:	0.7%	483,749:	1.3%
Portugal	10,276,617	9.3	274,616:	2.7%	684,612:	6.6%
Republic of Cyprus	875,899	21.2	124,668:	14.2%	60,860:	7%
Romania	19,414,458	3.2	244,457:	1.2%	367,170:	2%
Slovakia	5,450,421	3.6	159,024:	2.9%	35,365:	0.7%
Slovenia	2,080,908	12.7	65,804:	3.1%	199,268:	9.6%
Spain	46,937,060	13.9	1,938,649:	4%	4,600,312:	9.9%
Sweden	10,230,185	19.1	557,637:	5.5%	1,396,428:	13.6%
Switzerland	8,544,527	28.9	1,435,261:	16.8%	1,034,120:	12.1%
United Kingdom	66,647,112	14.2	3,660,016:	5.5%	5,808,999:	8.7%

Distribution by age group within each migration status, 2023
(%)

	Native-born persons with two native-born parents			Native-born persons with one foreign-born parent			Native-born persons with two foreign-born parents			Foreign-born persons		
	15–29	30–54	55–74	15–29	30–54	55–74	15–29	30–54	55–74	15–29	30–54	55–74
EU	20.1	44.0	35.9	32.3	36.8	30.9	42.3	38.0	19.8	18.0	56.1	25.9
Belgium	24.4	43.6	32.0	37.4	42.5	20.1	40.0	45.4	14.7	18.8	55.6	25.6
Bulgaria	17.5	46.3	36.3	:	:	:	:	:	:	:	43.2	42.1
Czechia	21.0	46.8	32.2	23.8	39.0	37.2	22.3	29.7	47.8	20.1	57.9	22.0
Denmark	25.7	41.0	33.3	29.5	40.2	30.3	39.7	24.4	35.8	19.5	59.4	21.1
Germany	20.2	40.9	38.9	23.7	30.3	46.1	40.9	37.1	22.0	18.0	54.5	27.4
Estonia	25.4	49.2	25.4	19.8	56.0	24.2	6.3	52.2	41.3	6.6	35.4	58.0
Ireland	22.5	44.5	33.0	57.5	30.4	12.0	60.5	28.4	11.1	21.4	62.5	16.1
Greece	19.9	44.7	35.4	70.1	23.2	6.7	85.2	10.1	4.7	8.4	65.1	26.5
Spain (*)	18.9	45.0	36.0	61.8	28.8	9.5	87.7	10.5	1.7	20.1	59.5	20.4
France (*)	19.8	43.3	36.9	25.7	47.6	26.8	27.3	51.0	21.7	15.2	50.1	34.7
Croatia	20.9	42.2	36.9	40.1	42.3	17.5	32.3	44.6	23.2	5.9	45.4	48.6
Italy	18.7	42.4	38.9	62.8	26.9	10.3	90.4	7.0	2.6	16.0	62.0	22.0
Cyprus (‡)	21.0	44.0	35.0	68.1	26.5	5.8	90.7	:	:	24.9	59.5	15.5
Latvia	24.2	46.8	29.0	18.5	63.2	18.3	3.8	46.1	50.0	5.9	28.3	65.8
Lithuania (‡)	19.0	48.1	32.9	17.0	53.8	29.2	8.1	38.7	53.1	5.8	32.5	61.7
Luxembourg (*)	20.7	40.3	39.0	38.7	36.0	25.3	55.7	37.3	6.9	17.7	58.0	24.3
Hungary	21.0	47.5	31.4	35.9	29.5	34.6	28.1	26.4	45.5	15.8	58.2	26.0
Malta (‡)	21.6	43.9	34.5	56.3	26.8	17.0	:	:	:	21.3	66.5	12.4
Netherlands	23.4	39.6	37.0	37.4	37.1	25.5	47.6	44.7	7.7	18.8	55.7	25.5
Austria	19.5	43.0	37.5	31.8	31.6	36.6	58.2	31.9	9.9	18.4	57.0	24.7
Poland (‡)	19.9	48.0	32.1	6.1	24.2	69.7	:	10.4	88.3	37.2	55.1	7.7
Portugal	19.1	43.2	37.7	61.1	30.9	8.0	66.4	31.3	:	18.6	59.8	21.5
Romania (‡)	20.3	47.5	32.2	:	:	:	:	:	:	26.9	54.3	19.1
Slovenia	21.8	46.7	31.5	19.9	53.2	26.9	17.8	64.1	18.0	14.6	48.3	37.2
Slovakia (‡)	20.3	48.8	30.9	21.2	52.9	25.7	:	:	:	:	52.6	38.6
Finland	21.7	41.2	37.0	54.8	28.5	16.7	89.1	:	:	23.4	62.9	13.6
Sweden	22.5	42.3	35.2	32.0	42.9	25.1	48.9	35.6	15.5	22.6	55.4	21.9
Iceland	23.9	44.8	31.2	54.3	32.6	13.0	83.3	:	:	25.5	60.0	14.5
Norway	24.2	41.3	34.6	44.3	39.4	16.2	60.2	33.2	:	19.8	62.0	18.2
Switzerland	20.9	40.7	38.4	30.6	41.3	28.2	44.2	40.7	15.1	15.3	58.4	26.3

: data not available

(*) Definition differs.

(‡) Persons aged 55–74 years, native-born with one foreign-born parent: low reliability.

(§) Persons aged 15–29 years, native-born with two foreign-born parents: low reliability.

(¶) Persons aged 55–74 years, native-born with two foreign-born parents: low reliability.

(*) Persons aged 15–29 years, native-born with one foreign-born parent and persons aged 30–54 years, native-born with two foreign-born parents: low reliability.

(¶) Persons aged 15–29 years and 55–74 years, foreign-born: low reliability.

(‡) Persons aged 15–29 years, native-born with one foreign-born parent: low reliability.

Source: Eurostat (lfsa_pignedm)



Previous Conferences (2009 + 2016)

**Contact
Abduction
Child Support**

- Positive
- Enthusiastic
- Collaborative

- Shared Understanding of the issues (disconnect - international families without access to or support from international procedures or processes available to assist and support them)

- Recognition - Journey in pursuit of common solutions.

- Optimism
- Aims and Ambitions (Declarations)



March 2009



Need

Support and Assist Cross-Border Families and Children:

Preamble Malta 2004:

- How to secure **better protection** for cross-frontier rights of contact of parents and their children and the problems posed by international abduction

Concept Note 2024:

- **Resolution of complex transfrontier family conflicts**
- Notably issues of protection of contact rights between parents and children, issues of parental child abduction, and recovery of child support.

Accessible, effective remedies and support.

“A family lawyer of practical disposition.”

Previous Conferences:

Common Themes

- **Need:**
- Recognise the need for solutions/support for cross-border and international families and children, *especially* when States not parties to the Hague Conventions.

- **Aims:**
- Identify *and* seek to implement solutions/support.

- **Solutions:**
- Multi-faceted approach – consider a range of frameworks/measures from hard law (Conventions/Bilaterals) to “soft” law (cooperation, mediation).

- **Route:**
- Continuing Engagement and Dialogue plus implementation of specific measures.
- A journey which involves Concrete Steps.

Key Takeaways:

Examples

- **UNCRC**
- **2004**
- The **principles set out in the UNCRC** are affirmed as a basis for action.
- **2016**
- The experts recognised that **the 1980, 1996 and 2007 Conventions support a number of key principles expressed in the UNCRC.**
- **Hague Children's Conventions are designed to be global in reach and to be compatible with diverse legal traditions.**

Key Takeaways: Examples

- Common Framework/Rules
- 2004
- The importance is recognised of having **common rules** which specify which country's courts or authorities are competent to make decisions concerning custody and contact.
- 2006
- It is in the interests of children that courts in different States should apply **common rules of jurisdiction** and that custody and contact orders made on the basis of those rules should as a general principle be recognised in other States. Competing jurisdictions add to family conflict, discourage parental agreement, and can encourage the unlawful removal or retention of children.
- 2009
- Understanding the **benefits of a legal framework** for the resolution of international disputes concerning custody and contact with children and for the protection of children at risk in cross-border situations
- 2016
- States that are not currently Party to the Hague Children's Conventions of 1980, 1996 and 2007 are **encouraged to consider becoming Parties**.

Key Takeaways: Examples

Dialogue: Cooperation and Judicial Networks

2004


- Networking between judges concerned with international child protection is a growing phenomenon, ideally assisted by the appointment of liaison judges. **Judicial networking facilitates** the exchange of information as well as direct communications between judges, where appropriate, in specific cases.

2006

- It is emphasised that encouragement for the **appointment of liaison judges** extends to States which are not Parties to the Hague Children's Conventions.

2016

- The experts emphasised the **value of direct judicial communications** in international child protection cases. **States that have not designated International Hague Network Judges are strongly encouraged** to do so regardless of whether they are currently Parties to the Hague Children's Conventions.
- Judges designated should **be sitting judges with appropriate authority and experience** in the area of international child protection..
- Judicial exchanges, including bilateral and regional meetings, should be encouraged in order to reinforce **mutual trust and confidence** among judges.



Key Takeaways: Examples

- Mediation/Agreement
- 2006
- The importance is recognised of having in place procedures enabling **parental agreements** to be judicially approved and made enforceable in the countries concerned.
- Legal processes concerning parental disputes over children should be structured so as to **encourage parental agreement and to facilitate access to mediation** and other means of promoting such agreement.
- 2016
- The experts acknowledged the **benefits mediation can offer** in cross-border family matters.
- They encouraged the **promotion of good practices** in mediation and other processes to bring about the **agreed resolution of international disputes** which fall within the scope of the Hague Children's Conventions, and in the context of other relevant cross-border child and family disputes

Follow Up



- **UK**
- Continued to encourage new States that are not party to the Hague Children's Conventions to consider joining.
- Also focused on increasing understanding and knowledge around the 1980 Hague Convention with numerous countries including those that are both Contracting States and non-Contracting states.
- **The Netherlands**
- The Netherlands has supported the development of closer cooperation and networking among the judiciaries and authorities globally by visiting conferences and receiving delegations from non-member States where information concerning the laws and practices of our different legal systems was shared.
- **Pakistan**
- 22.12.16: Acceded to 1980 Convention.
- Office of the International Co-operation of International Family Law - provides assistance, including legal advice to left behind parents.

Follow Up



- **USA**
- 2017 Bilateral MOU with the Kingdom of Saudi Arabia, establishing regular meetings of an interagency working group to address cases of International parental child abductions.

- **Australia**
- Bilateral agreements with Egypt (2002) and Lebanon (2010)
- important tools to support cooperation to protect the welfare of children.

- **Canada**
- Work on implementing the 1996 Convention

- **Number of Countries**
- Referred to mediation – training, guidance, promotion.

Expectations



- **Accessions/Ratifications to the Conventions**
- Progress in promoting accessions/ratifications to each of the Children's Hague Conventions with consideration of specific/concrete paths by which this might be achieved with the assistance of delegates from countries which are not yet parties.
- **Dialogue/Networks**
- To encourage international cooperation with non-Contracting States and increase cross-border communication and cooperation through designations to the International Hague Network of Judges (IHNJ) and
- through the identification of agencies that can assist with the provision of information and
- evidence (such as family assessments) for the purposes of proceedings/measures in the other State.
- **Mediation**
- Encourage, facilitate, training.

The 1980 Convention provides:

1. A structure which, critically, provides an accessible legal route for, and provides support to, the left-behind parent.
2. A practical, effective framework for courts to determine whether or not to make a return order when a child has been wrongfully removed or retained.
3. A framework which operates to facilitate expeditious justice.

Practical Operation



