

# **MALTA V: Fifth Conference on the HCCH Children's Conventions as Bridges between Civil / Common Law and Islamic Law**

**Session 2: How to give effect to the UN Convention on the Rights of the Child (CRC) (e.g., Arts 9, 10, 11, 18, 20, 22, 27(4), 35) in cross-border situations?**

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## > Bilateral and Multilateral Frameworks

- > *Multilateral frameworks*: Such as the Hague Convention (103 countries incl. all OECD countries)
- > *Bilateral agreements*: Reliance on bilateral agreements, and private international law principles and national legislation

## > Challenges of Bilateral Agreements:

- > Jurisdictional conflicts and divergent interpretations
  - > Inconsistencies and delays due to conflicting laws and professional opinions
- > *Inefficiencies, potentially compromising the best interests of the child*



# Enhancing Int'l Child Abduction & Retention Governance Framework I

- Whole-of-government approach
- Strong institutional arrangements through clear roles and responsibilities
- Improve the pathway in terms of accessibility and child's participation
- Develop case management, capacity and an oversight framework
- Promote awareness of the country's services and communication with Embassies



## Enhancing Int'l Child Abduction & Retention Governance Framework II

- > **Consider ratifying** the primary multilateral instrument on child abduction, the Hague Convention – *Feasibility study*
- > Benefits include:
  - > Strengthen the Rule of Law and confidence in the resolution process
  - > Standardise the considerations of the best interests of the child
  - > Exemplify commitment to international rights and national strategies
- > **Complementary considerations** and not mutually exclusive



## OECD Tools and Support

- > The OECD stands **ready to further cooperate** and coordinate with all **international partners** and **OECD member and partner countries**.
- > **OECD resources**
  - > Recommendation Access to Justice on People-centred Justice systems
  - > Framework and Good Practice Principles for People-Centred Justice
  - > Child-friendly Justice Framework & Justice for Children Call for Action
  - > Whole-of-Government approach to Child Well-being
  - > Legal Needs Survey for children
  - > Country-specific support, incl. pilot and implementation support
  - > Networks of country peers, experts, and practitioners



# Thank you!

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## Child-Centred Justice



**Designing and delivering people-centred services**



**Governance enablers & infrastructure**



**Child empowerment**



**Evidence-based planning, monitoring & accountability**

**A clear purpose, shared vision and supporting culture**

*A committed leadership to implement a whole-of-government and society strategy for child-friendly justice within a broader people-centered approach*