

# 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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# Governance Frameworks for Int'l Child Abduction, Protection and Maintenance

#### > 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

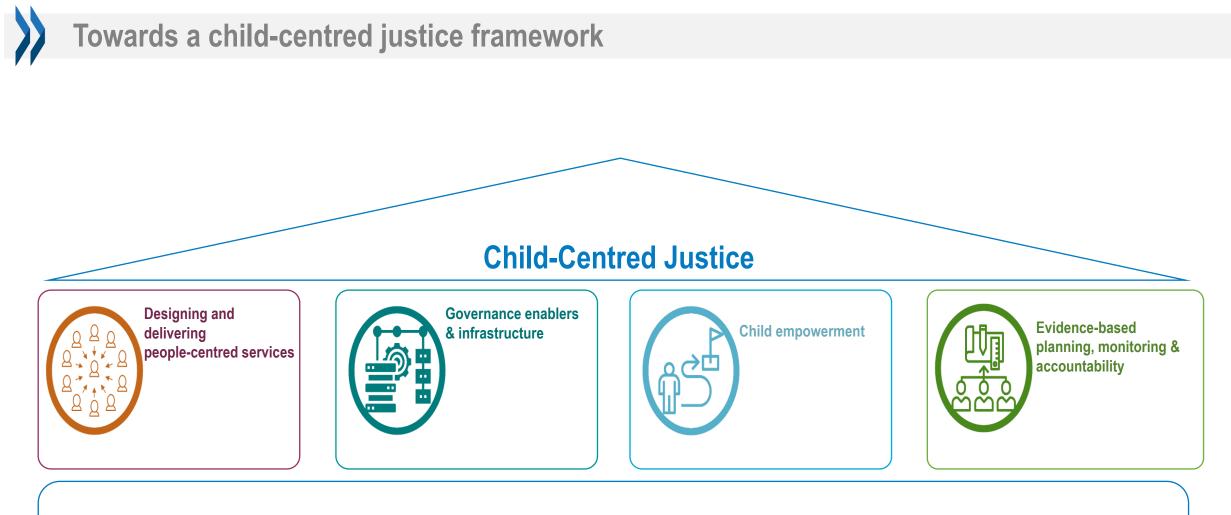
- > Recommendation Access to Justice on People-centred Justice systems
- > Framework and Good Practice Principles for People-Centred Justice
- > Child-friendly Justice Framework & Justice for Children Call for Action
- > Whole-of-Government approach to Child Well-being
- > Legal Needs Survey for children



- > Country-specific support, incl. pilot and implementation support
- > Networks of country peers, experts, and practitioners

# Thank you!

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#### 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