

Malta V

Key takeaways from Malta I to IV – Expectations for Malta V and beyond

24th September 2024 – 27th September 2024

Social Care Standards Authority

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The Malta Central Authority

Social Care Standards Authority has been designated as the Central Authority in 2018.

Handle cross-border cases of:

- Child Abduction
- Maintenance
- Access
- Fostering
- Adoption
- Illicit practices

Collaborate with local Child Protection Services and other Authorities in cross-border child protection matters.

Within Malta's jurisdiction, the Malta Central Authority is bound to enforce all applicable European Union regulations or international conventions.

Significant Aims of the Malta Process

Primary consideration in all actions concerning children is the **best interest of the child**.

Aim to **promote cooperation between States** with focus on

- Resolving transnational family conflicts, particularly those involving child abduction, contact rights, and child support
- Facilitating the recovery of child support/maintenance internationally

Aims of Malta Process (cont.)

Central Authorities should cooperate with each other to secure cross-border family matters.

Such cooperation should include:

- Assistance in locating a child
- Exchange of information relevant to the protection of the child

Steps should be taken to facilitate solutions for the protection of the child which are agreed between the parents.

Aims of Malta Process (cont.)



TO HAVE **COMMON RULES** ACROSS DIFFERENT STATES TO **MAKE DECISIONS** CONCERNING **CUSTODY AND CONTACT**



A DECISION MADE IN ONE COUNTRY IS TO **BE RESPECTED** IN OTHERS



FAST AND EFFICIENT COMMUNICATION AND PROCESSES ARE **VALUED**



REGULAR EXCHANGE OF INFORMATION BETWEEN STATES TO **BUILD AND MAINTAIN MUTUAL TRUST AND CONFIDENCE**



TO CONTINUE PROCESS OF **DIALOGUE**

What do we want to achieve in Malta V?

Continue and broaden the **dialogue** among key actors.

Facilitated by the framework of the 1980 Child Abduction, 1996 Child Protection, and 2007 Child Support Conventions, to explore:

- Development of closer **global cooperation** and **networking**
- Measures to **prevent abduction or abuse** and **promote parental cooperation** and agreement
- **Recognition and enforcement** reached in the course of family matters involving children

Aims of Malta V (cont.)

- Continue working on the development of legal structure which provides
 - A firm basis for **judicial cooperation**
 - Parents with a secure international framework within which to **resolve** their difficulties
- To continue a dialogue on the cross-border recovery of child support and other forms of family maintenance
- To follow up on the **communication** and **dialogue** between Contracting and Non-Contracting States

What comes out from the discussion?

Communication – what is the role of Central Authorities?

Apart from having strong judicial cooperation, there is the need of stronger cooperation between Central Authorities in order to achieve the goals of the Malta V Process.

The Central Authorities act as a focal point in recurring cross-frontier contact rights and in combatting illicit transfer and non-return of children.

Maintenance: Incoming vs Outgoing

A maintenance 'incoming' case means that Malta is receiving a request from a Foreign Central Authority for a debtor to pay child support. In this case, the child's habitual residence is the requesting Foreign Central Authority.

When a maintenance case is 'outgoing', the Malta Central Authority is submitting a request to a Foreign Central Authority for a debtor to pay child support. In this case, the habitual residence of the child is Malta.

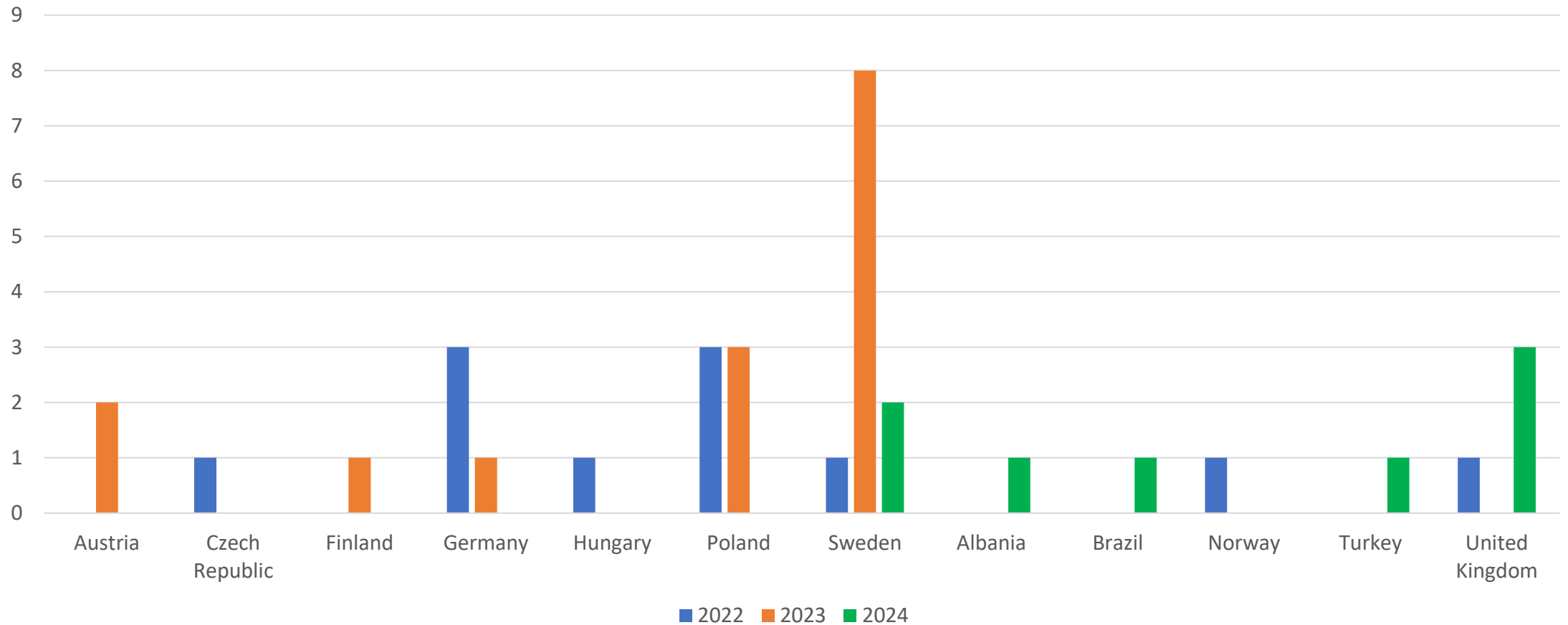
Maintenance Cases

	2022	2023	2024 (Jan-Sept)
EU <ul style="list-style-type: none">• Incoming• Outgoing	<ul style="list-style-type: none">• 9 incoming• 3 outgoing	<ul style="list-style-type: none">• 16 incoming• 1 outgoing	<ul style="list-style-type: none">• 2 incoming• 1 outgoing
Hague <ul style="list-style-type: none">• Incoming• Outgoing	<ul style="list-style-type: none">• 2 incoming• 2 outgoing	<ul style="list-style-type: none">• 1 incoming	<ul style="list-style-type: none">• 6 incoming• 1 outgoing
Other	<ul style="list-style-type: none">• 1 outgoing		
Total	17 cases	18 cases	10 cases

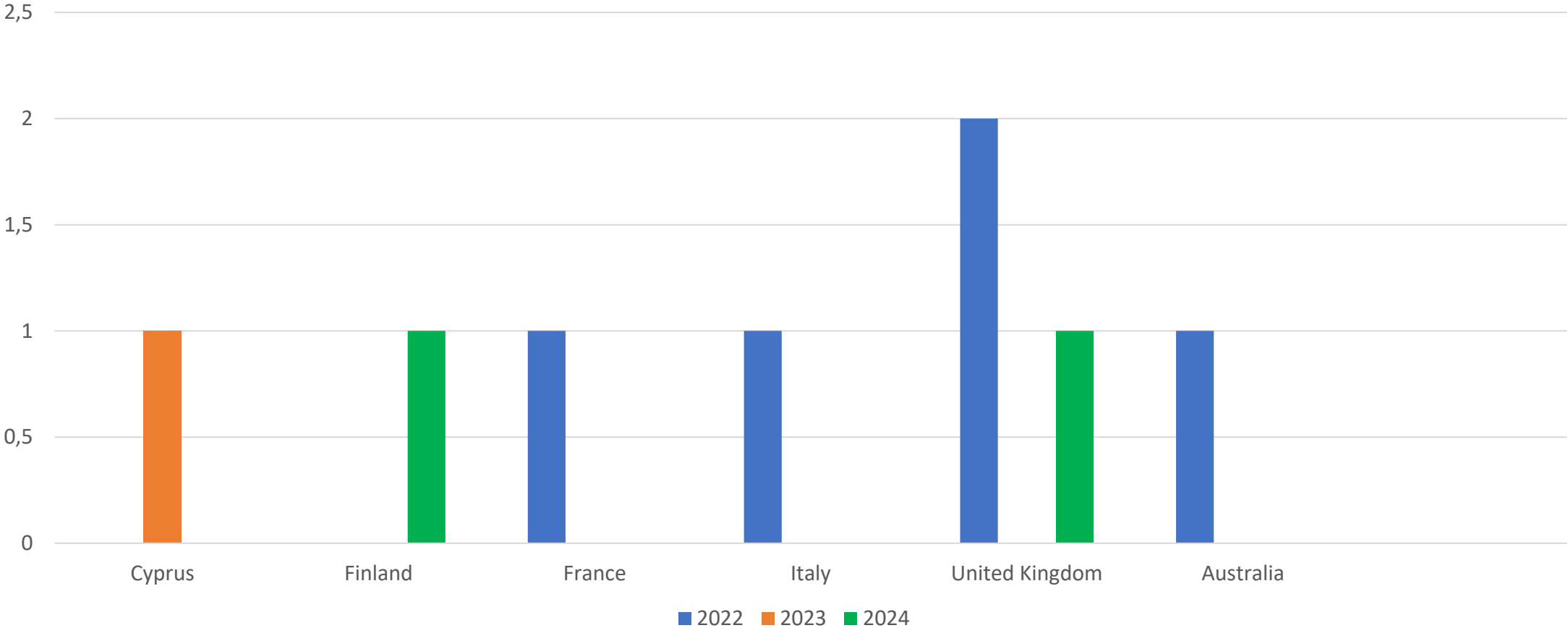
Maintenance Cases – COUNTRIES

		2022	2023	2024 (Jan-Sept)
EU	Incoming	1 – Czech 3 – Germany 1 – Hungary 3 – Poland 1 – Sweden	2 – Austria 1 – Finland 1 – Germany 3 – Poland 1 – Slovakia 8 – Sweden	2 – Sweden
	Outgoing	1 – France 1 – Italy 1 – United Kingdom	1 – Cyprus	1 – Finland
Hague	Incoming	1 – Norway 1 – United Kingdom	1 – Serbia	1 – Albania 1 – Brazil 1 – Turkey 3 – United Kingdom
	Outgoing	2 – United Kingdom	/	1 – United Kingdom
Other	Outgoing	1 – Australia		
	Total	17 cases	18 cases	10 cases

Incoming Maintenance Cases



Outgoing Maintenance Cases



Abductions: incoming vs outgoing

An 'incoming' abduction is when the abducting parent brings the child to Malta. The Maltese Central Authority receives a request from the Foreign Central Authority being the habitual residence of the child, and proceedings to return the child to their habitual residence are commenced.

An 'outgoing' abduction is when the abducting parent leaves Malta with the child, and the Left Behind Parent requests the Maltese Central Authority to start proceedings to request for the return of the child to Malta, being the habitual residence of the child.

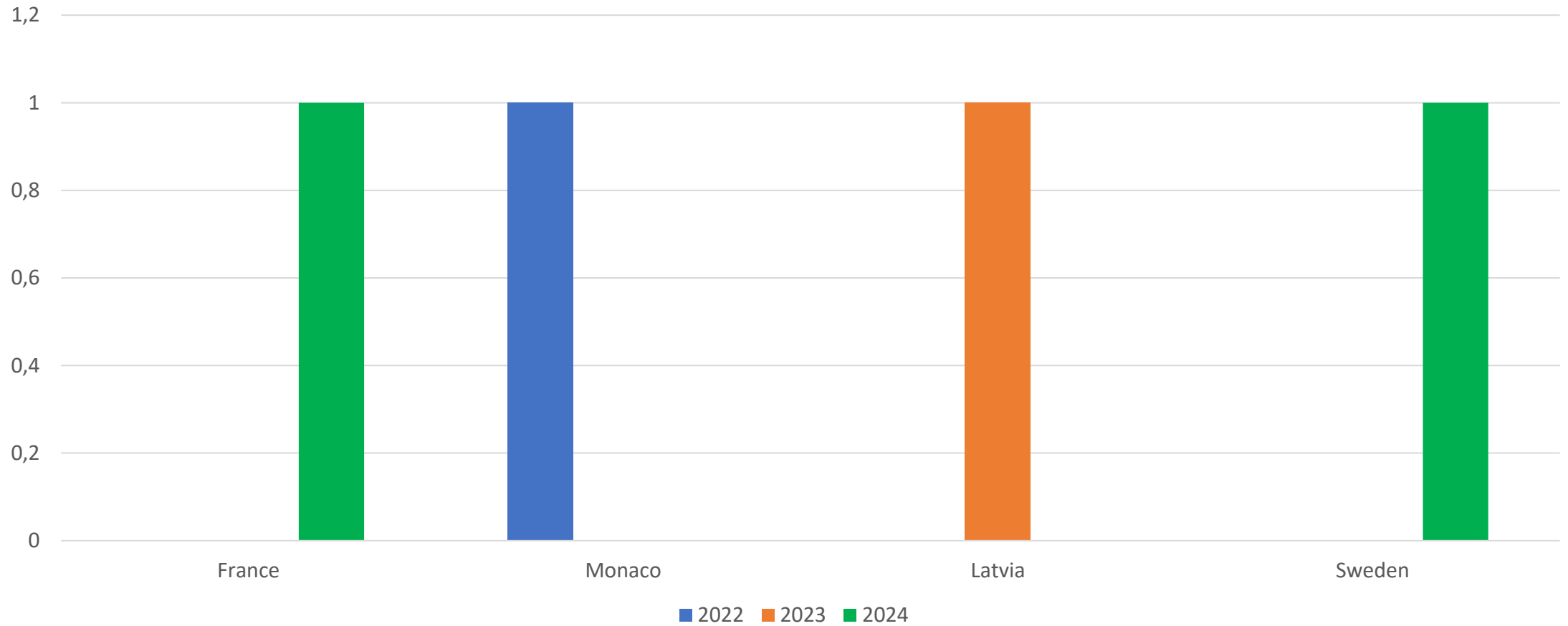
Child Abduction Cases

	2022	2023	2024 (Jan-Sept)
EU <ul style="list-style-type: none">• Incoming• Outgoing	<ul style="list-style-type: none">• 1 outgoing	<ul style="list-style-type: none">• 2 outgoing	<ul style="list-style-type: none">• 1 incoming• 2 outgoing
Hague <ul style="list-style-type: none">• Incoming• Outgoing	<ul style="list-style-type: none">• 1 outgoing	<ul style="list-style-type: none">• 1 incoming• 4 outgoing	<ul style="list-style-type: none">• 1 incoming
Total	7 cases	7 cases	4 cases

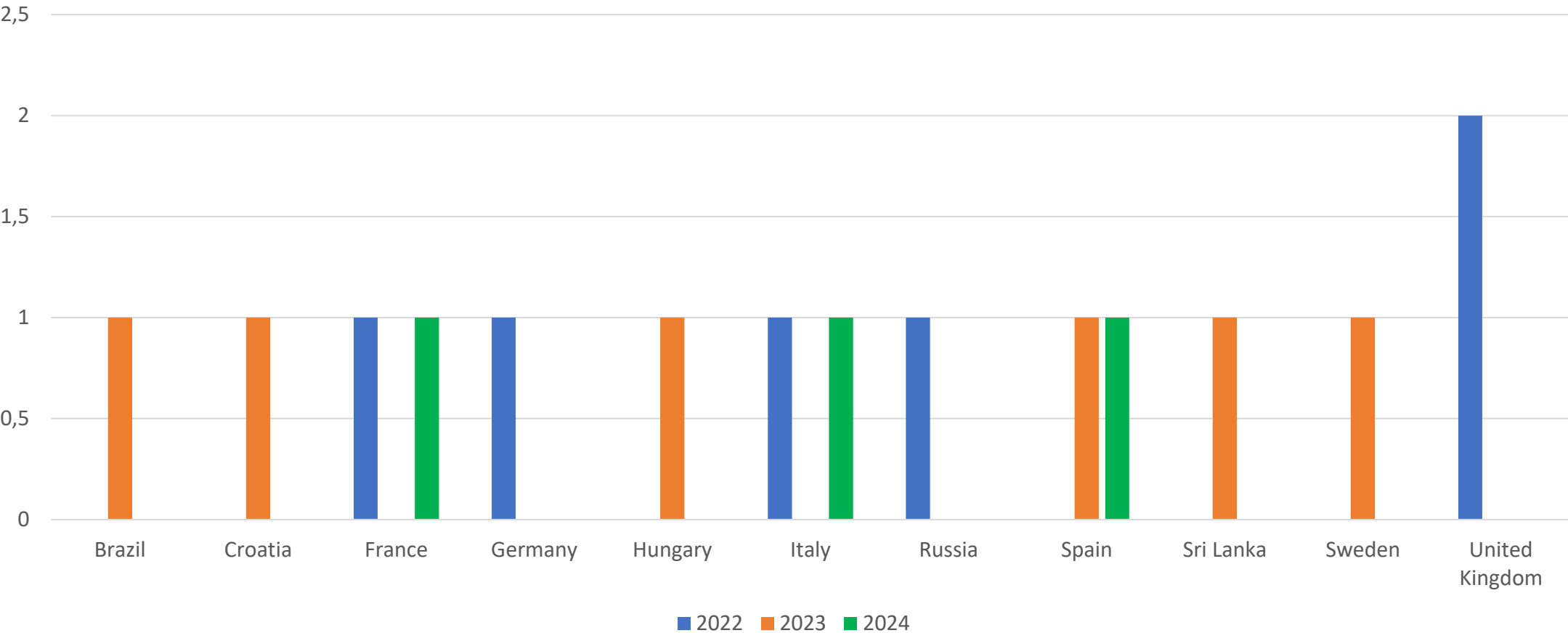
Abduction Cases – COUNTRIES

		2022	2023	2024 (Jan-Sept)
EU	Incoming	/	/	1 – France
	Outgoing	1 – Italy	1 – Hungary 1 – Spain	1 – Italy 1 – Spain
Hague	Incoming	1 - Monaco	1 – Latvia	1 – Sweden
	Outgoing	1 – Russia	1 – Brazil 1 – Croatia 1 – Sri Lanka 1 – Sweden	/
Other	Outgoing	1 – France 1 – Germany 2 – United Kingdom	/	/
	Total	7 cases	7 cases	4 cases

Incoming Abduction Cases



Outgoing Abduction Cases



Enquiries

Enquiries are general requests from Central Authority to Central Authority

Incoming enquiries are requests received by Foreign Central Authorities

Outgoing enquiries are requests sent to Foreign Central Authorities

The subject of the enquiry may be a potential debtor, unaccompanied minor, or other general queries where a person must be located

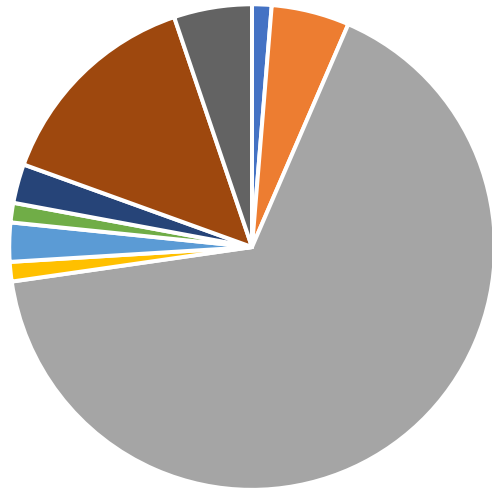
Enquiries

	2022	2023	2024 (Jan-Sept)
Brussels II B <ul style="list-style-type: none">• Incoming• Outgoing	/	<ul style="list-style-type: none">• 54 incoming	<ul style="list-style-type: none">• 2 incoming
EU <ul style="list-style-type: none">• Incoming• Outgoing	/	<ul style="list-style-type: none">• 17 incoming	<ul style="list-style-type: none">• 6 incoming• 3 outgoing
Hague <ul style="list-style-type: none">• Incoming• Outgoing	/	<ul style="list-style-type: none">• 6 incoming	<ul style="list-style-type: none">• 6 incoming
Other	<ul style="list-style-type: none">• 2 incoming	/	/
Total	2 cases	77 cases	17 cases

		2022	2023	2024 (Jan-Sept)
Brussels II B (parental responsibility)	Incoming	/	1 – Italy 4 – Poland 49 – Portugal	1 – Netherlands 1 – Portugal
EU	Incoming	/	1 – Bulgaria 2 – Germany 1 – Netherlands 2 – Poland 11 - Sweden	1 – Finland 1 – Germany 1 – Poland 3 – Sweden
	Outgoing	/	/	1 – Germany 1 – Italy 1 – Sweden
Hague	Incoming	/	2 - Norway 4 - United Kingdom	1 – Brazil 1 – Canada 1 – Norway 2 – United Kingdom 1 – United States of America
Other	Incoming	1 – Ireland 1 – Germany	/	/
	Total	2 cases	77 cases	17 cases

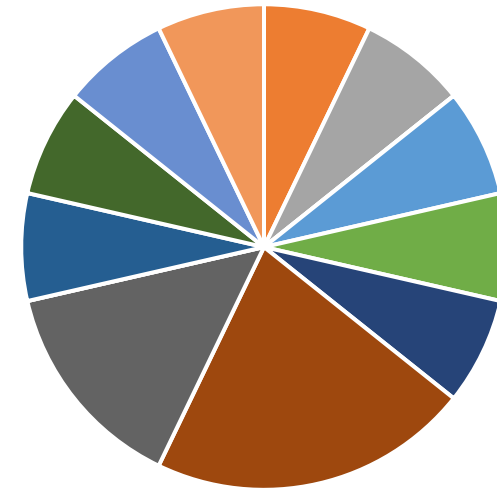
Enquiries by Country: 2023 & 2024

2023



- Italy
- Bulgaria
- Norway
- Ireland
- Canada
- Poland
- Germany
- Sweden
- Finland
- USA
- Portugal
- Netherlands
- United Kindgom
- Brazil

2024



- Italy
- Bulgaria
- Norway
- Ireland
- Canada
- Poland
- Germany
- Sweden
- Finland
- USA
- Portugal
- Netherlands
- United Kindgom
- Brazil

Conclusion



THE MALTA V PROCESS SHOULD
SERVE TO BRIDGE FURTHER OF
CLOSER COOPERATION AND
NETWORKING AMONG
STAKEHOLDERS



ONE IMPORTANT ASPECT IS TO
**ACHIEVE A COMMON LEGAL
STRUCTURE** WHEN IT COMES TO
ADHERING TO THE RULES OF THE
CONVENTION BY BOTH NON-
CONTRACTING AND CONTRACTING
STATES

SCSA

SOCIAL
CARE
STANDARDS
AUTHORITY

Thank you!