

MALTA_V – HCCH

Fifth Conference on the HCCH Children’s Conventions as Bridges between Civil/Common Law and Islamic Law

IAFL Participation

Malti: a Semitic language, derived from Arabic, greatly influenced by Latin and Sicilian, replaced in 1936, and joined by English since 1800. Still in 1930, ballot papers were in English, Italian and Maltese. To this day, street and monument names are still both in Malti and in English. **Coexistence and integration**, the obvious figures of the place chosen to bring together **130 representatives from different States**, with one focus: the uniform protection of children's interests across borders and cultures, the most diverse.

Malta, therefore, as the best venue to bear living witness to integration, coexistence and mediation between people and cultures that are different but capable of being united even in the language spoken.

The Fifth Hague Conference in Malta, in which our extraordinary association was able to actively participate, together with 129 other delegates, dictated its own agenda starting with languages: interpreting took place in Arabic, French and English, thus allowing all those present to express themselves in the language closest to each one. This was a clear sign of openness and willingness to integrate not only the Countries that are already contracting the three Hague Conventions that are central to the interests of children, and thus to the discussion of these days (Hague 1980, Hague 1996 and Protocol 2007), but also all those (mainly **Sharia law and African countries**) that have not yet acceded to them.

It is noteworthy that the roles of the delegates of the States attending the meeting, which took place **from 24 to 27 September** last, were all either Chief Justices within the Ministries of Justice or Liaison Judges of the valuable IHNJ network (The International Hague Network of Judges, about ten in all- <https://www.hcch.net/en/instruments/conventions/specialised-sections/child-abduction/ihnj>) and Chief Family Judges, or senior diplomats or heads of Central Authorities. Alongside delegates from the very selected six specialised international associations, such as **IAFL**.

A **final Declaration** on the progress of the work was drawn up all together, which I consider valuable for its clarity and completeness (available on the HCCH website <https://www.hcch.net/en/publications-and-studies/details4/?pid=9048&dtid=46>).

For the part that needs applause and represents a vivid future, also for our association both in terms of advocacy and in programmatic terms, I deem the following worthy of note:

- Andrew MOYLAN's excellent proposal, on the first day, to bring together all the liaison judges present during the lunch break. The opportunity to see each other in person and be able to focus on their network is certainly valuable for the better functioning of direct communication and collaboration between the Liaison Judges themselves. There are still too many countries that have not yet designated their liaison judges, with a considerable loss of all the extraordinary fruits that we know so well. I am sure that Andrew's well-received proposal was an important milestone for future work and networking.
- The very important presence of Fatima BARQANI and Rachid OUADIFI, for **Morocco**, as well as Dalila KLHIFI and Ali ABCHA, for **Tunisia**, and Maged EL ANTABLY and Fady Ahmed MAHDY for **Egypt**, and Omar MANAAN for **Pakistan** thanks to whom the values and the importance of supporting and working actively on the enlargement of adherence to the Conventions, in the central interest of our cross-border children, by **Sharia Countries** is and will be fundamental.
- The active presence of El Hadji Ndiogou DIOUF for **Senegal**, to represent not only how ready his country is structurally and for Conventional accession, but also to emphasise the importance of expanding meetings like this to more **African Countries**, effectively under-represented on this occasion.
- In view of the open discussion regarding the main problems of Sharia countries, to proceed to work towards accession to the 1980 and 1996 Conventions, mainly represented by fears of the 'loss' of family cultural rules (e.g. the well-known rule that the child of a woman who separates from her husband is not allowed to live in a new mother's household), my

concluding intervention was in the sense of drawing attention to how the main value represented by these Conventions (in their almost perfect language that is both precise and universal) is precisely that of guaranteeing mutual respect and protection of each country's culture. It is specifically **mutual sharing and respect**, sanctioned conventionally, that allows and will allow each culture to ensure that a child unlawfully removed from that country can return there, without seeing rejection on return based on fear of diversity. It is precisely the adherence to the conventional system that allows one's values to be protected across borders on an equal footing with others.

I close with the perfect summary by Secretary General **Christophe BERNASCONI**. Malta V is, has been and will be a symbol of the three founding words of the Conference: **Connecting, Protecting, Cooperating**.

From its birth in far-off 1893, through today, for our children's society.

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