


Annual Report **2010**



Kummissarju għat-Tfal
Commissioner for Children

Safeguarding **Children** from Poverty






The Office of the Commissioner for Children was set up in terms of the Commissioner for Children Act of 2003, to promote the welfare of children and the compliance with the UN Convention on the Rights of the Child, as ratified by Malta, and such other international treaties, conventions or agreements relating to children as are or may be ratified or otherwise acceded to by Malta.

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Foreword



The year 2010 marked the *European Year for Combating Poverty and Social Exclusion*, thus providing an occasion for further awareness to be raised on the various and very real forms of poverty, and how these are experienced in Malta. Children in particular are exceptionally vulnerable and are at a greater risk of poverty than the rest of the population. According to EU-Statistics on Income and Living Conditions (EU-SILC), 20% of children in Malta are at risk of poverty. This means that the risk registered for children is higher by 5 percentage points when compared to the risk of poverty for the total population which stands at 15%. The vulnerability of children within such circumstances is evident, and calls for immediate action, early identification of risk, and appropriate safeguards to be put in place in order to break the vicious intergenerational cycle of poverty.

The effects of poverty are far reaching, and have repercussions on mental health, educational

achievements, social cohesion, and family stability amongst others. It acts as a significant obstacle hindering children from reaching their full potential, and increases the likelihood of children falling out of the education system, having poor physical and mental health, and coming into conflict with the law.

It is crucial that we recognize the potential and capacity of each child, and provide the necessary support for them to reach it. This should be viewed as a shared responsibility to give all children an equal start in life, through clear and identifiable targets which should be met within a specified time frame. We must meet the challenge of addressing the inequalities of opportunities brought about by poverty and social exclusion head on, and empower children to grow up being fully prepared to live an independent and harmonious adult life.

As Commissioner for Children, I am guided by principles which, amongst others, state that "all children are to be treated with dignity, respect and fairness", and that "disabled children and children with disadvantaged family or social circumstances should enjoy the same quality of life like all other children" (Commissioner for Children Act 2003, art. 10.) The observation of these principles is one task which I took on upon being appointed Commissioner for Children in May 2010, and is one which I strive to undertake within this role in addition to other responsibilities which have been entrusted to me.

Helen D'Amato
Commissioner for Children



Composition of The Office of the Commissioner for Children

The Commissioner for Children Act was passed through Parliament on the 5th December, 2003. The present Commissioner for Children is Mrs. Helen D'Amato.

Mrs. D'Amato is the third Commissioner for Children. She has a vast and broad range of experience in this sector, and was appointed as Commissioner on the 20th May 2010, after consultation with the Social Affairs Committee of the House of Representatives.

Mrs. D'Amato succeeds Ms. Carmen Zammit. At the end of her term of Office, Ms. Zammit held a press conference, during which the past achievements of the Commissioner's Office were reflected upon, and well wishes were put forward for the further strengthening of the Office in the future.

On taking up the post of Commissioner for Children, Mrs D'Amato thanked her predecessors, Mrs Sonia Camilleri and Ms Carmen Zammit for their sterling work and pledged that her work would always be guided by the principle that the best interest of children is supreme.

The Office of the Commissioner for Children is presently composed of:

Commissioner for Children
Research Manager – Full Time*¹
Task Manager – Full Time
Projects Officer – Full Time
Teacher – Full Time
Principal – Full time Teleworking
Clerk – Full Time
Driver/General Hand – Full Time
Legal Advisor on Children's Rights – Consultancy basis
Case Officer – Part Time
Accounts Officer – Part Time

This year saw a few changes to the staff of the Office of the Commissioner for Children, with turnovers in the posts of Commissioner for Children, Manager (Research and Policy) and Clerk. The Commissioner for Children was glad to note an increase in the staff complement of the Commissioner's Office since its inception in 2003, and expresses her wish for the Office to continue to grow in order for it to continue to reach its goals in the most efficient manner possible, in accordance with the Commissioner for Children Act. This is particularly important in view of the fact that the demands of the Office have increased considerably in recent years on both a National and European level, following an increase in awareness of the role of the Commissioner for Children.

There is an urgent need for increased space in the premises of the Office, particularly in the light of the staff growth at the Office over the past few years. It is crucial that these premises are also child-friendly, and accessible to children. Without such facilities, the Office of the Commissioner for Children confronts inevitable limitations in the work which it is able to do, and limits the opportunity for direct contact between the Commissioner and children, whose voice she represents.

The Office of the Commissioner for Children undertakes initiatives towards the professional development, organization, communication, and efficacy of its staff. Towards this end, a number of staff days were organized throughout the year, as an ongoing initiative to further strengthen the capacity of the Office and to enhance teamwork amongst the members of this Office. Furthermore, members of staff regularly take the opportunity to attend training courses aimed at continuous professional development and learning new skills, in order for these to be directly implemented through their input at the Commissioner for Children's Office.

*¹ resigned in September 2010

The budget for the Office of the Commissioner for Children increased significantly in 2010, to a total of 130,000 euros. This increase was most welcome, allowing for the aims and objectives of the Commissioner's Office to be better met. It is hoped that the budget will continue to grow, in order to allow the Office of the Commissioner for Children to continue to build upon its strengths and capacities.

Added to the amount mentioned above one has also to include the worth of 5 salaries that are supported by the Ministry for Education, Employment and the Family (MEEF). This support has made it possible to increase the work and visibility of the Office.

While one acknowledges the fact that the Commissioner for Children was on the selection board when such officers were recruited, it is being suggested that the funds necessary to support such salaries are directly credited to the Budget of the Office of the Commissioner for Children. This would further strengthen the independence of the Office which is recognised through Article 4 of the Commissioner for Children Act, 2003. It states that "...the Commissioner shall act independently and shall not be subject to the direction or control of any other person or authority."



Council for Children

Ref. Chap 462: Art 12

The Council for Children is made up of:

- Commissioner for Children as Chairperson
- Five other members appointed by different Ministries
- Chairperson of the Social Affairs Committee of the House of Representatives
- Two other members co-opted by the Commissioner for Children and approved by the Council
- Four young persons co-opted by the Commissioner for Children and approved by the Council

The young persons forming part of the Council for Children were all elected by their peers. This year, two elections were held during two Rights 4U courses held in Malta and Gozo. Participation in the Rights 4U course serves as the forum for the young people to vote, and to be appointed on the Council for Children. Rowena Chappell was elected from the Rights 4U course held in Malta, and Bernice Farrugia was elected during the course in Gozo. Nicole Tabone and Andre Agius were serving their second year on the Council for Children after they were elected during the 2009 Rights 4U course.

The function of the Council for Children, according to the Commissioner for Children Act 2003 [Chap 462, art 12 (6)], is:

- (a) to monitor compliance with the United Nations Convention on the Rights of the Child as ratified by Malta and with all such other international treaties, conventions or agreements relating to children as are or may be ratified or otherwise acceded to by Malta;
- (b) generally to advise and assist the Commissioner in the performance of the functions of the Commissioner as listed in the Act;
- (c) to advise and assist the Commissioner in the promotion of the welfare of children as specified in Article 11 of the Act.

The 8th Council for Children was officially appointed on the 25th May 2010, following the end of term of the 7th Council for Children on the 18th April 2010. The present appointment is valid until 16th May 2011. The Commissioner for Children welcomed the fact that there was no delay in appointing a new Council for Children, thus allowing the work of the Council to proceed unhindered, and with minimal interruption.

The Council for Children met ten times during 2010. Some issues discussed included amongst others: the Family Court, Children in out of home care, the Protection of Minors Bill, the National Environment Policy, Statistics relating to children as well as medically assisted procreation (IVF). On various occasions experts in the field were invited to the Council meeting to inform members on the issue concerned.

The members of the Council for Children accompanied the Commissioner for Children and staff at the Office during a courtesy visit to His Excellency the President of Malta Dr George Abela.



The members of the Council for Children and the Commissioner for Children during a courtesy visit to His Excellency the President of Malta Dr George Abela on the 2nd of July 2010.

Education and Public Awareness

The Commissioner for Children featured regularly in the media this year, through numerous television and radio programmes and newspaper articles, interviews and statements when deemed necessary and appropriate. The Commissioner for Children participated during public events, seminars and conferences, and gave talks and speeches on various subjects upon request. Visits to schools, educational resource centres, other educational institutions (MCAST, University) and organisations where children and youth participate, were also carried out this year, in line with the Commissioner's aim of making the work of her office known amongst children and youth.

Upon being appointed Commissioner for Children, Mrs. D'Amato attended the first school visit at St. Paul's Bay Primary on the occasion of the International Children's Day which is celebrated in June. Given the diverse ethnic population of the students at this school, the Commissioner took the opportunity to deliver the message that "We have a lot to learn from these children. It's in their nature to accept one another irrespective of nationality and skin colour." Furthermore, the Commissioner stated that it was the duty of adults to ensure that children are allowed to live their childhood without being turned into "mini-adults".

The members of staff at the Commissioner's office also contributed towards activities aimed at increasing education and public awareness on the Rights of the Child, through school visits and participation in the media. Part of this campaign was specifically done in relation to encouraging children to participate in the Rights 4U course. This was the first year that two Rights 4U courses were organised – one in Malta and one in Gozo. This was done in response to the overwhelming demand for the course in previous years, and in order to ensure that the course remains as widely accessible as possible to children who wanted to participate. This year, being the *European Year for Combating Poverty and Social Exclusion*, special emphasis was made to ensure that participants included children who came from disadvantaged backgrounds. In order to facilitate this, the Office sponsored their participation contribution. In this endeavour the Office found the support of various sponsors these primarily being the Ministry for Gozo and HSBC. The Office also found the support of various schools.

A series of school visits were also initiated this year, with the aim of promoting the new website of the Commissioner for Children. The websites www.tfal.org.mt and www.zghazagh.org.mt were made available online in December 2009, following which



Commissioner for Children with students from St. Paul's Bay Primary School



Website Launch at St. Paul's Bay Primary School



Ms. Cynthia Sammut during a school visit to St Francis' Primary School, Cospicua

a series of school visits were launched in order to increase awareness of this human rights tool. The first school visit at St. Paul's Bay Primary was commemorated by Mrs Catherine Gonzi, Chairperson of the HSBC Cares for Children Fund, which sponsored the websites. As a result of these efforts, greater accessibility to the Office has since been facilitated for children, parents, and professionals alike.

The Commissioner for Children initiated work on a directory of services for children and young adults in an attempt to increase awareness and knowledge amongst members of the public and professionals about the services currently being provided for children and young people, as well as to increase accessibility to these services. Existing information on services may be difficult to locate, particularly where there is little awareness that such services are being provided in the first place. Through this venture, it will be possible to incorporate useful contact information in a comprehensive publication, which will include (but will not be limited to) information on education and learning support services, family support services, health and well-being, legal services, and social support services. Work on this publication is underway, and it is expected that this publication will be launched in 2011.

*2 'We celebrate together'

An event entitled Niċċelebraw Flimkien*2 was organized by the Office of the Commissioner for Children at Verdala Palace in November 2010. The event aimed to mark the 20th anniversary of Malta's ratification of the UN Convention on the Rights of the Child.



A number of Government departments, agencies, and service providers offering services to children and young people in the health, education, social protection, sports and cultural sectors were present and put up stands and disseminated relevant information to members of the public.

Visitors were given the opportunity to explore the





Palace and grounds of Verdala*³, and a child-friendly information brochure about the Palace was prepared and disseminated by the Office of the Commissioner for Children.



Other activities included a police dog show and a first aid demonstration by young members of St. John Ambulance. The Malta Sports Council and Għaqda Hbieb tal-Presepu*⁴ organized workshops and activities throughout the day. The Civil Protection Department brought a fire engine in order to demonstrate to children how it operates.



*³ Verdala Palace is a 16th Century palace and is the summer residence of the President of Malta

*⁴ Friends of the Crib Association



An interactive puppet show was also staged by the Drama Unit of the Ministry of Education, Employment and the Family, whilst the Malta Girl Guides held a demonstration on how to set up a camp, and a music performance was presented by Dun George Preca College, Floriana Primary



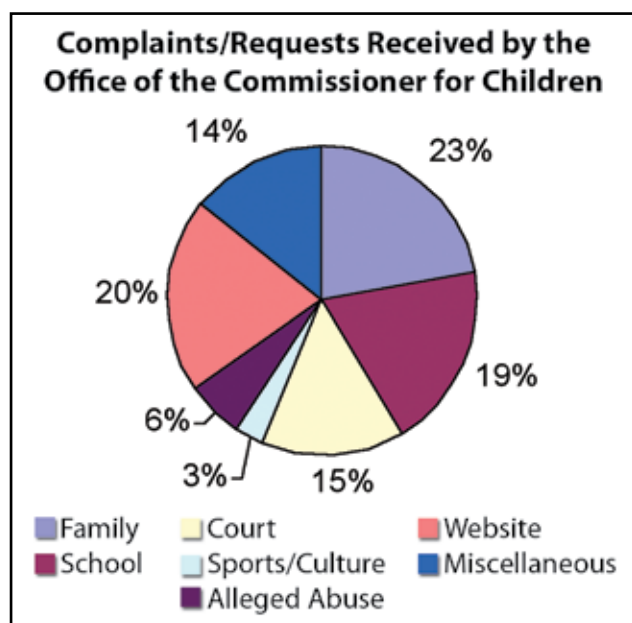
School and the Gozo College, Agius de Soldanis Girls' Junior Lyceum. The day was animated by In Guardia, who prepared a special re-enactment for the occasion. Students from MCAST, members of the Girl Guides Association and St John Ambulance provided logistical support throughout the day. Mr Mark Azzopardi and young Jean Paul Saliba helped inform all those present about the programme that was being held during the day.

The children who attended this event were given a choice of yoghurt, fruit and water offered by our sponsors. All individuals and associations who participated in this event did so, on a voluntary basis.

The children were also visited by His Excellency Dr. George Abela, President of Malta, and the Hon. Clyde Puli, Parliamentary Secretary for Youth and Sport.



Complaints and Requests received by the Office of the Commissioner for Children



The Office of the Commissioner for Children received 180 complaints or requests for assistance in 2010. The number of complaints/requests received increased considerably in the last year, not least due to the increasing awareness of the role of the Commissioner for Children and the introduction of the Website. The website itself accounted for 20% of the number of complaints/requests received during this last year. Thus the website contributes significantly towards making the work of the Office increasingly accessible to children. At times, the website is also used to put forward recommendations to the Commissioner on a variety of issues. These are welcome, and are taken into consideration by the Office.

The complaints/requests for assistance received by this Office were more often than not forwarded by parents. However some cases are also brought to our attention by professionals working in the field such as teachers, social workers, nurses and midwives, lawyers and priests. Mayors, local councillors and concerned neighbours also make contact with the Office highlighting certain problems that they would be noticing. The complaints/requests for assistance are classified under six broad categories: family, education, court, sports/culture, abuse, and miscellaneous.

The family

The majority of complaints received with regards to the family came from parents or members of the extended family and involved cases of separation, particularly in relation to the care and custody of the children. In such cases, concern is raised over the welfare of the children, particularly when the parents put children through unnecessary trauma and place them at the centre of their disputes. When it is deemed necessary the social welfare agency is alerted.

While the Office of the Commissioner for Children is not legally empowered to intervene in cases which are *sub judice*, it is still interested in knowing what children and parents are experiencing thus giving it the opportunity to raise concerns and seek solutions with the competent authorities in the best interest of the family.

The Commissioner for Children remains concerned for the children who are at the heart of such domestic disputes between estranged partners and are used as pawns by the same persons who should be safeguarding and advocating for their best interest

At times, complaints are also received from parents who are concerned about regular conflicts at home with their adolescent children. Where possible, these cases were referred to trained professionals and specific service providers including also parenting skills classes.

Education

Complaints/requests for assistance were received on a varying number of issues in this sector. These included, but were not limited to, problems about early pick ups by school transport, work ethics of drivers on school transport, misbehaviour of children whilst at school, bullying, lack of recreational facilities, and excessive homework.

Where appropriate, these issues were raised with the

competent authorities within the Education Division for further investigation. The Office of the Commissioner for Children also took the opportunity to refer parents to the relevant support services already in place within the Education Division.

Complaints and concerns that are raised by children/parents can often be a springboard for collaborative work amongst entities. The Office of the Commissioner for Children together with Transport Malta is in the process of drafting a set of guidelines with regards to school transport for operators, drivers, students, parents and schools. Such a draft will be put for consultation with all stakeholders involved.

The Court

Cases concerning court issues form the majority of complaints received by the Office of the Commissioner for Children. Concerns were expressed to the Office regarding delays in reaching a decision by the Court and judgements that were not seen, by one side of the parties concerned, to be in the best interest of children. These complaints mainly concerned issues of maintenance, care, custody and visitation rights.

What children live through when their parents are separating is definitely very traumatic. While it is true that how children live through their trauma depends on how their parents respond to it, the fact that there are delays in court, sometimes even provoked by the parties themselves, surely does not help the children's situation.

The setting up of the Family Court, the Mediation services and the Children's Advocate were all steps in the right direction. However it is felt that the time is ripe for a review of the situation in order to take stock of what has been achieved so far, what has not worked and what else needs to be done to continue to enhance the services in the best interest of children.

Sport/Culture

A relatively small number of complaints were received this year in relation to sports and culture. Some of the complaints were sent through the website by children reporting lack of recreational space for children.

During this year the Office of the Commissioner for Children was invited to participate in a working group set up by the Malta Standards Authority to draft standards regarding safety requirements for public play grounds and their management

Abuse

The number of complaints received by this Office about the alleged abuse of minors was minimal this year. However all cases were referred to Aġenzija Appoġġ^{*5}.

Concerns with regards to cyber abuse/pornography, were referred to the Cyber Crime Unit Malta Police and action was taken accordingly. When parents presented such complaints they were advised to be more aware of their children's online activity, and to guide their children towards positive use of the new technologies.

The Office of the Commissioner for Children is a partner with the Malta Communications Authority and other entities on a project which is co-funded by the EU to set up a helpline and a hot line during 2011 with regards to the safe use of the Internet. Preparatory work was being done by the partners during 2010.

Miscellaneous

The miscellaneous cases received this year included, but were not limited to, concerns regarding children drinking and staying out at a very late hour, advertising deemed inappropriate for children, family friendly measures, road safety issues, and concerns about tinted windows in vehicles used to transport children. Each case was raised with the competent authorities in order for appropriate action to be taken.

^{*5} Aġenzija Appoġġ – national social welfare agency

Investigations

The Commissioner for Children is empowered to launch investigations with regards to any alleged breaches of the rights of children. *The Commissioner may carry out an investigation for any purpose connected with the execution of the Commissioner's duties either on a written complaint made to the Commissioner by any person or on the Commissioner's own motion.*^{*6}

In accordance with the provisions of the Commissioner for Children Act, the Commissioner launched an inquiry in 2010 with regards to the imprisonment of two teenagers aged 15 and 16 years while awaiting bail. Numerous concerns were brought to the attention of the Commissioner for Children in relation to this case, and it was felt that these warranted the initiation of an investigation to establish whether existing legislation, procedures and structures adequately safeguard the rights and interests of minors who are in conflict with the law. The inquiry was finalised in December 2010 and the recommendations that were made by the Inquiring Board will be discussed with the Ministries involved and will be put on the Website in accordance with the provisions of the Commissioner for Children Act which states that *the Commissioner shall prepare and publish a report of the findings in any formal investigation and shall include in it such recommendations as appear to be necessary or expedient*^{*7}

Three other enquiries were conducted in 2009, the recommendations of two of which were made public in 2010 on the newly launched Commissioner's website. The first inquiry involved issues surrounding football nurseries, and recommendations were forwarded to concerned parties.

The second inquiry regarded an adoption case, and this reached its conclusion in 2010. The Commissioner for Children was further asked to be present during discussions with all the stakeholders involved.

The third inquiry concerned a child who was subjected to severe child abuse and notwithstanding that he had a care order, was sent back home due to lack of placements. Such case was brought to the attention of the Commissioner for Children by the Courts.

While recommendations with regards to the first and third inquiries were posted on the Website, recommendations for the second inquiry mentioned above were not so published. This was due to the sensitive nature of the adoption case and because the children concerned could be easily identified. Thus it was not deemed to be in the children's best interests if such recommendations were made public.

Published recommendations can be viewed on www.tfal.org.mt (Maltese version)



^{*6} Article 14 (1) - Commissioner for Children Act, 2003

^{*7} Article 14 (7) - ibid

Research and Policy

Follow up to the Manifesto for Children

The Manifesto for Children was a major project undertaken by the Office of the Commissioner for Children in 2007 and 2008. The aim behind the Manifesto was to recommend the way forward for the political parties contesting the General Election of 2008, by highlighting the issues requiring urgent attention in respect of children's rights in Malta. The Manifesto for Children was officially launched in February 2008, during the run up to the General Election.

Given that Malta is currently in mid-legislature, it was felt that the time was ripe to work on the Follow up to the Manifesto for Children, thus ensuring the continuity and consistent work towards the aims which the original manifesto set out to achieve. The working group responsible for the drafting of the original manifesto contributed much time and effort in the development of the follow up document during 2010. Work on the Follow up to the Manifesto for Children is currently in its final stages, and it is expected that this publication will be launched in the beginning of 2011.



Manifesto for Children

Looked After Children

In 2007, the Commissioner for Children embarked on a three year project concerning children in Out-of-Home care. This project was intended to lay down the foundations for a national policy and a national strategy for Out-of-Home care in Malta, based on comprehensive research which would answer the most pertinent questions relating to this sector. A focus group was set up with the aim of guiding this project, and this led to the initiation of a comprehensive and original research study which is to be used as an effective lobbying tool in this sector.

The research project was split up into three phases:

- The Effect of Institutional Placement for Children under 5 (based on international research)
- Mental Health needs of Children in Care (using the Child Behaviour Checklist, Strengths and Difficulties questionnaire, and case file studies)
- Exploring the long term outcomes of youth leaving care (through case files, interviews, and other data)

The first phase was a review of international research on the Effect of Institutional Placement for Children under 5. The literature review was concluded in 2009 and the document was forwarded to the Office of the Commissioner for Children.

The second phase of the project was a quantitative study on the psychological and behavioural needs of all Maltese children in out of home care. This work was undertaken in 2010 and it is envisaged by the research team that the final draft of the findings and policy recommendations will be ready by January 2011.

The third phase of the project was on the long term outcomes of children leaving care. This work was also mostly undertaken in 2010 and the final draft documents will be ready by January 2011.

Unfortunately, this research project suffered numerous delays due to various circumstances. It is now envisaged that this research will be launched at the beginning of 2011, following which the data will be utilized in order to lobby for necessary resources and amendments to legislative measures in the field of looked after children.

Platform for Children

The Platform for Children, officially launched in October 2009, held a workshop on the theme of Poverty and Exclusion in January 2010, exclusively for Platform members. The workshop, was held following the decision of the Platform to focus its efforts on work within this sector. This was particularly appropriate considering that 2010 was the European Year for Combating Poverty and Social Exclusion. The workshop was held in order to familiarize the members of the Platform with the work and challenges currently being faced in this sector. A number of presentations were given by both the Office of the Commissioner for Children and the Social Inclusion Unit within the then Ministry for Social Policy, following which the Platform members engaged in a discussion aimed at formulating an action plan. It was evident from the wide-ranging experiences of the Platform members that a number of issues required critical attention. Their concerns included: the lack of a comprehensive legal framework that focuses on the rights of the child; the need for continuous research, monitoring and evaluation of currently available services; the need for community based services and care; the need for more inclusive education; as well as the importance of financial support and human resources for NGOs in order to collectively reach the necessary goals and targets.

In order to support NGOs working in the field of children's rights, the Office of the Commissioner for Children sponsored KOPIN to attend a European conference on behalf of the Platform for Children. Ms Bernadette Mizzi attended the 6th Regional

meeting of NGOs, *Children's Rights Coalition in Europe* in October, 2010. This conference explored how national NGO networks can work more effectively and efficiently in promoting the rights of children. Issues such as child participation, corporal punishment and the implementation of the UN CRC were discussed.

Playground Standards: Requirements for Public Playground Safety and their Management

In 2010, the Office of the Commissioner for Children contributed towards the drafting of national standards for public playgrounds, spearheaded by the Malta Standards Authority. The projects officer of the Commissioner's Office formed part of a working group which also included representatives from the Local Councils Association, the Local Government Department, the Environmental Health Department, the Malta Environment and Planning Authority, the National Commission for Persons with a Disability, and the Malta Playing Fields Association.

The National Standards with respect to the management and safety of public playgrounds specified the minimum requirements for any public playground facility. The scope of the standards is as follows:

- a) *To provide information when designing/planning new playgrounds, in particular with regards to issues regarding accessibility (this will also be useful when existing playgrounds will undergo any refurbishing in the future)*
- b) *To provide the necessary technical information to be included when submitting tenders for playground equipment;*
- c) *The regular maintenance and responsibilities for the upkeep of playgrounds;*
- d) *Routine and annual inspection procedures*

*Its aim is to provide general guidelines for the design and proper management of a playground, for the satisfaction of those using the facilities and thereby ensuring that these sites are safe.”^{*8}*

The document was launched for public consultation in August 2010, and public feedback was gathered until October 2010. It is now hoped that these minimum requirements will start to be implemented and that they will be supported by a legal notice.



Launch of Playground Standards

National Children's Policy

The Office of the Commissioner for Children was invited by the Ministry for Education, Employment and the Family to form part of a focus group, aimed at formulating a National Child Policy. This step was welcomed by the Commissioner's Office, particularly due to the fact that the lack of such a policy had regularly been cited as a concern to the Office in the past.

The Task Manager at the Commissioner's Office forms part of the focus group, which is actively working towards the drafting of this document. It is hoped that this work is completed and that implementation starts at the earliest opportunity, and effectively addresses present weaknesses in our national

approach towards children, whilst also reinforcing and building upon national strengths. This work is being undertaken within a wider framework of collaboration with children, aimed at eliciting their views and opinions through questionnaires and panel discussions held during a number of events, such as the event organised by MEEF to celebrate World Children's Day and 'Niċċelebraw Flimkien' organised by the Office of the Commissioner for Children.

The Office of the Commissioner for Children is recommending that two versions of the document are launched for public consultation, one of which will be a child friendly version to ensure greater direct participation from children during the consultation phase.

Protection of children in Television programmes

The Commissioner for Children is working closely with the Broadcasting Authority in order to promote responsible and positive broadcasting among all stations, in line with the aims of both the Commissioner for Children and the Broadcasting Authority in the best interest of children.

The entities and professionals concerned are working on revising the guidelines pertaining to the portrayal of children in programmes directed at an adult audience. It is hoped that these guidelines will direct broadcasting entities on the way children are portrayed in their programmes, and to undertake this in a socially and ethically responsible manner.

This work needs to be ongoing, as part of the continuous drive of the Commissioner for Children's Office to promote full respect for the child by all social media.

Be Smart Online!

In 2009, a new project proposal was submitted

^{*8} Requirements for Public Playgrounds Safety and Their Management, Malta Standards Authority, 2010.

to the Safer Internet Plus Programme, under the title *Be Smart Online! - A Safer Internet Centre for Malta*. The proposal, spearheaded by the Malta Communications Authority and incorporating agencies such as Aġenzija Appoġġ, the Directorate for Educational Services, the Cyber Crime Unit, and the Office of the Commissioner for Children as partners, aims to set up a Safer Internet Centre in Malta, which includes an awareness node, hotline and helpline.

This project has since been accepted, and will run throughout the period between October 2010 and 31st May 2012, with the aim of raising awareness, fighting illegal content on the Internet, and empowering and protecting children online. Through this project, stakeholders will establish and maintain partnerships and promote dialogue

and exchange of information within this sector on both a national and European level, and adopt an active approach towards increasing safe access to new technologies for children.

The Office of the Commissioner for Children, as a partner in this project, holds the responsibility of leading national co-operation amongst stakeholders. The Commissioner is to co-ordinate the advisory board meetings for the transmission of information, to raise awareness and to act as a channel of communication amongst the stakeholders and the Safer Internet Centre and the youth panel.

It is envisaged that the services outlined under this project will be launched during the first quarter of 2011.



Children's Rights Education

Access to Justice Seminar

The Office of the Commissioner for Children organized a public discussion on 'Children's Access to Justice' in April 2010. The event aimed to elicit feedback from professionals and individuals working in the area of children's rights

Recommendations have been put forward for structures and procedures to be put into place in order to enable children to participate in court proceedings, and initiate them where necessary, in a manner which is appropriate to their maturity and understanding. This event generated further discussion on these issues, and consequently the Office of the Commissioner for Children is more informed, which enables the Commissioner to *act as a spokesperson for the rights, needs, and interests of children and to put forward proposals for measures which can solve or prevent conflicts between children and society.*^{*9}

Dr. Ruth Farrugia, Senior Lecturer at the Faculty of Laws of the University of Malta, legal advisor to the Commissioner's Office, and Council of Europe expert for the Child Access to Justice Initiative made a presentation on the topic. An overview was given of the situation of children's access to justice within the local context, including obstacles which currently prevent children from accessing justice themselves as effectively as they could.

The discussion that ensued touched on the fact that at the time of discussion there was only one child advocate on a part-time basis available for Malta and Gozo. Should a child wish to make contact with a child advocate him or herself, they are presently unable to do so in a direct and child-friendly manner. A child advocate may be recommended by a mediator, appointed by a judge, or requested by the parents of the child. There exists no possibility for a child to request the services of a child advocate him or herself.

The discussion thus highlighted the fact that children themselves find it difficult to attain justice in an age-appropriate and timely manner. This process of enabling children to attain justice would necessitate that children be granted access to information, thus enabling them to make an informed choice regarding whether or not to participate in court proceedings and to participate in a child friendly manner should they choose to do so. Changes in attitudes towards children would be necessary in this respect, in order to enable adults in the Family Justice System to support and empower children to participate effectively and without being manipulated by adults, who normally are their own parents.

Present obstacles impinge on the right of a child *who is capable of forming his or her own views...to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*^{*10}



Rights 4U Courses 2010

For the sixth consecutive year, the Office of the Commissioner for Children organized its annual children's rights course, 'Rights 4U'. This is in line with the mandate given to the Commissioner for Children *to provide public education and information designed to promote an understanding of the rights of children.*^{*11}

^{*9} Article 11(k) Commissioner for Children Act, 2003

^{*10} Article 12, UN Convention on the Rights of the Child

^{*11} Article 11, Commissioner for Children Act, 2003



Each year, this course proves to be a success amongst the young participants in attendance as they also have fun and meet new friends, whilst actively learning about their rights according to the United Nations Convention on the Rights of the Child.

For the first time, the Office of the Commissioner for Children organized two courses in 2010 for young people aged between 13 and 15, one course being held in Malta and one in Gozo. The first Rights 4U course was held at Marsaxlokk Youth Hostel in Malta between the 30th July and the 1st of August 2010, and was attended by 40 participants. The second Rights 4U course began on the 26th August at Manresa Retreat House, Rabat, Gozo, and ended on the 28th August 2010. This was attended by



31 participants. This year special emphasis was laid on the fact that courses were to be more widely accessible for children who come from a disadvantaged background so the Office sponsored a number of participants who would otherwise not have been able to attend.

Every year, the Rights 4U course tackles a particular theme throughout the weekend. In light of the 2010 European Year for combating poverty and social exclusion, as well as the Commissioner's position as a national ambassador for this incentive, the theme for the Rights 4U course this year was 'Combating Poverty and Social Exclusion.'



The interactive programme of the Rights 4U course included various activities during which the young people not only learnt about their rights, but also actively explored and engaged in discussions about them. The participants were also given the tools to be able to stand up for their rights and to participate in matters of social concern to a higher degree, in such a way that they would be empowered as active and independent members of society. The Rights 4U course also focused on personal development, in that the participants developed critical thinking skills, built social ties, and practically implemented the concepts which they learnt about during the course such as respect for self and others, inclusion and independence.



The participants of the Rights 4U course in Malta were visited by Mrs. Catherine Gonzi, Chairperson of the HSBC Cares for Children Fund, whilst the participants in Gozo were addressed by the Hon Giovanna Debono, Minister for Gozo..

The Commissioner thanks the sponsors who contributed towards the Rights 4U courses, namely the HSBC Cares for Children Fund, the Ministry for Gozo, Farsons, Gozo Channel Ltd, and A to Z Electronics.

The Commissioner for Children was present throughout the events in order to increase dialogue with the young people, and receive feedback from the young people themselves on how the Office of the Commissioner for Children can work towards



combating poverty and social exclusion in Malta and Gozo. The Commissioner for Children encouraged the young people to be role models amongst their peers and to be socially active within their communities.





The young persons' ideas and recommendations were used by the Commissioner for Children during public seminars on the subject of poverty and social exclusion.

Two of the participants of the Rights 4U courses were elected by their peers to sit on the Council for Children for two years. The elected participants were Rowena Chappell and Bernice Farrugia.

'Ninvestigaw' *12

'Ninvestigaw' was a series of 12 television programmes that the Office of the Commissioner for Children co-produced together with Education 22. The aim of the series was to target teenagers in order to increase their awareness and to gain a



deeper appreciation of children's rights.

Every week, two young presenters, Nicole Tabone and Chris Scicluna aged 16 and 17 respectively, investigated a number of issues in the area of children's rights. This was done through fictitious scenarios or case-studies aimed at stimulating discussion and encouraging a more in-depth understanding of children's rights issues. Following



this, young persons, experts and practitioners in the field of children's rights were invited to participate and to discuss the salient issues put forward during each particular programme.

Themes investigated included education, leisure, health, environment, media, culture, family values, gender equality, drug abuse, violence, democracy, and youth poverty at Christmas time. Young members of the Council for Children, as well as past participants of the Rights 4U course participated in the programme on a regular basis. The Commissioner for Children was a permanent guest on this programme. Professionals and experts in the field according to the chosen theme were invited to participate during the programmes and these included university lecturers, heads of departments and entities, social workers, educators and religious leaders from different denominations.

*12 'We investigate'



Since all the filming of this series took place on location, the production team took the opportunity to showcase beautiful locations and historic places in Malta as backdrops for the filming. Hence filming took place in such locations as the Maritime Museum, St James Cavalier, Verdala Palace and Gardens, Villa Francia, Razzett tal-Hbibberija, Santa Maria Rehabilitation Centre and the Mqabba live Christmas Crib. This was made possible through the full co-operation of the various entities.

This series, which was screened between October and December 2010, was made possible with the total support of the administration and staff of Education 22, who co-produced the series and supported the Office through the provision of their technical expertise, facilities, and air time.

It is envisaged that another series of programmes will again be co-produced during the second quarter of 2011.

Promotion of the Website

Following the launch of the website www.tfal.org.mt and www.zgħażaġħ.org.mt in December 2009, the Office of the Commissioner for Children initiated a series of school visits. A member of staff visited schools around Malta and Gozo and promoted the website amongst children of various ages. This

initiative was kicked off at St. Paul's Bay Primary (Maria Regina College) in February 2010, with the attendance of Mrs. Catherine Gonzi representing the official sponsor of the website, HSBC Cares for Children. A special programme was presented for the occasion, which included also the participation of Ġuġinu l-Iljuncinu the official Mascot of the Office of the Commissioner for Children.

During this event, the Commissioner for Children stressed the need for children to have the opportunity to express their views and opinions, and for these in turn to be listened to by adults. The Commissioner encouraged the children present to contact the Office of the Commissioner for Children through the website, amongst other means, with any ideas, suggestions, concerns and/or opinions which they may have.

Other schools were invited to contact the Office, should they wish to receive a visit in relation to the promotion of the website and its effective utilization. In fact, the Office of the Commissioner for Children visited various Government and Church schools.

Media Presence

The Commissioner for Children featured regularly in the local media this year, through numerous television programmes on all television and radio stations and through newspaper articles, interviews and statements. The Commissioner for Children also made regular public appearances at events, participating during seminars and conferences, and gave talks and speeches upon request.

During such events, the Commissioner for Children makes it a point to highlight the importance of the UN Convention on the Rights of the Child. Attention is generally paid to a specific right, according to the nature of the occasion and the particular issue being addressed, in order to promote and increase awareness on children's rights.

The Commissioner for Children was also a regular guest on the breakfast show *Żveljarin* for some months, on Favourite Channel. Every week, the Office of the Commissioner for Children was present during the show in order to discuss the different articles under the UN Convention on the Rights of the Child. Each week, a different article from the Convention was selected in order to be discussed in detail during the show.

During 2010 the Office took the initiative of writing an article on the newspaper *L-Orizzont* which was published every Saturday in the children's section "*Għalik Tfal*" *¹³. The article was entitled "*Ġuġinu Jkellmek*" *¹⁴. Each week a different article from the UN Convention on the Rights of the Child (UNCRC) was explained by *Ġuġinu* using simple terms and examples highlighting their basic rights and also their obligations. The first article was published in July. Included with the write up there was also useful information on how children can contact the Office of the Commissioner for Children to voice any concerns that they might have. This article will continue to be published even through 2011 until all articles of the UN CRC are covered.

Meeting Children

The Commissioner attempts to retain direct contact with children regularly through school visits, in order to keep abreast of situations which children are facing and to understand their point of view. School visits were also an important means of making the role of the Commissioner known amongst children, in order for children to be aware that there is a specific individual and an entity appointed to work for their rights, and to increase accessibility for children to the Commissioner for Children and the Office.

The Commissioner for Children also attempts to maintain contact with children and the professionals working with them through other visits and initiatives. The Commissioner visited young patients at Mater Dei Hospital and the YPU at Mount Carmel Hospital



Commissioner for Children's visit to Marsa Primary School and residents of Fejda and Jeanne Antide. Other visits included activities organised by St John Ambulance (Youth Section), Girl Guides Association and the Zabbar Parish Children's Council, *Kunsill Nazzjonali Żgħażaġh**¹⁵ and *Kummissjoni Djoċeżana Tfal**¹⁶.

The Commissioner also participated with children during a children's radio programme on RTK, where various issues raised by children were discussed and was also interviewed by children on a number of times during activities and television programmes.



The Commissioner for Children during her visit to Mater Dei Hospital

*¹³ *Għalik Tfal* – Children's Page on the local newspaper in Maltese *L-Orizzont*

*¹⁴ *Ġuġinu Jkellmek* – *Ġuġinu* (the Mascot of the Office) Speaks to you

*¹⁵ National Youth Council

*¹⁶ Diocese commission for children

Participation in other awareness raising events

The Office of the Commissioner for Children accepts invitations to participate during activities aimed at disseminating information to the general public, in line with the chosen theme for the event. The Office set up a stand on occasions such as Europe Day, and World Children's Day, amongst other events, in order to further communicate the work of the Office amongst members of the general public.



Demonstration by St. John Ambulance Cadets



Mrs. D'Amato being interviewed by the young presenters on the RTK Programme 'Wannabe'.

Collaboration with Various Entities

Malta College of Arts, Science and Technology (MCAST)

During this year, the Office of the Commissioner for Children worked very closely with various entities within MCAST particularly with the Institute of Art and Design and the Institute of Community Services.

The students of the Institute of Art and Design were asked by this Office to produce material with regards to Internet safety for children, which will be used as part of an information campaign by this Office. As part of their modules, as approved by BTEC, the students will be producing an activity book for 5 to 8 year olds, a comic for 8 to 11 year olds, a cartoon for 11 to 15 year olds and a video clip for older children. The Commissioner for Children and the Task Manager met the students on various occasions to explain what was required and to view the work that was being produced. This project has the added value that it is young people themselves who are producing educational and awareness material for other children and young persons.

The Office also worked very closely with the Institute of Community Services. Students following courses at this Institute offered support to this Office during various activities that were organised and where children were participating. The students supported this Office during such activities as Europe Day, Niċcelebraw Flimkien, World Children's Day as well as other visits that the Commissioner made to Mater Dei Hospital and to schools. A student following a course in care was also given a placement within this Office.

The Commissioner for Children sits on the MCAST Inclusion Committee which comprises members from the senior management teams from MCAST, KNPD and the MEEF. This Committee monitors and reports to the Board of Directors (MCAST) about

issues of accessibility for students with disability and learning difficulties. The Commissioner was a member on this Committee prior to her appointment to the Office, but was asked to continue serving on the committee now as Commissioner for Children since students attending MCAST might still be minors.



MCAST Students with H.E Dr. George Abela during 'Niccelebraw Flimkien'

Kummissjoni Nazzjonali Persuni b'Dizabilita' (KNPD)*¹⁷

The Commissioner for Children sits on the Kunitat Konsultattiv 16+*¹⁸. This is an initiative by KNPD aimed at harnessing collaboration amongst various stakeholders whose responsibility is to support and provide services related to education, training and employment for persons with disability after they finish compulsory education. The Commissioner was a member on this committee prior to her appointment to the Office, but she was asked to retain her post in her capacity as Commissioner for Children since issues dealt with concerned minors.

Association of Local Councils

The Commissioner for Children addressed local councillors during a meeting organised by the Association of Local Councils in November 2010. The Commissioner highlighted the principles and the functions of the Office of the Commissioner for Children with respect to the Act, and also gave a general overview of the UN Convention of the Rights of the Child. A question and answer session followed.

This Office intends to work closely with representatives of the five regions so that collaboration amongst the various stakeholders is strengthened.



*¹⁷ National Commission for persons with Disabilities

*¹⁸ Kunitat Konsultattiv 16+ - Consultative Committee 16+

Responses on the General Circumstances of Children in Malta

Poverty and Social Exclusion

Much emphasis was placed on the issue of poverty and social exclusion in 2010, this being chosen as the central theme for activities organized by the Commissioner's Office such as Rights 4U 2010 and the Platform for Children workshop. In addition to this, the Commissioner for Children was appointed a National Ambassador for Children, within the context of the 2010 European Year for Combating Poverty and Social Exclusion.

During these particular occasions, the Commissioner for Children took the opportunity to increase awareness about poverty and social exclusion as it presently exists in Malta, and to highlight the need for urgent action to be taken with regards to children. Poverty and social exclusion is widely recognized as having far reaching effects, such as on mental health, education, and family stability, amongst others. Children are particularly vulnerable to the effects of poverty, and safeguards should be in place both to protect children against poverty and to bring them out of it before they become trapped in the vicious cycle of intergenerational poverty.

With respect to her role as Ambassador for Children, the Commissioner was asked to present a paper on children and mental health during one of the Press Breakfasts that were organised. She also participated in other Press Breakfasts within the framework of the 2010 European Year, including discussions on domestic violence, homeless people and asylum seekers, long-term unemployment, persons with a disability, addictions and ex-prisoners amongst other topics.

Throughout the year the Commissioner for Children regularly attended other public seminars and discussions on poverty and social exclusion. The Office held a special meeting on this issue with the Council for Children at the beginning of the year in order for the Commissioner to elicit feedback from Council members. The Commissioner also actively

participated during a forum *Milied fil-Faqar*^{*19} from the perspective of youths organized by the Kunsill Nazzjonali Żgħażaġh^{*20}.

Regular opportunities were taken in order to highlight this issue with the media, and to effectively communicate the responsibility of adults for alleviating any obstacle which impedes children from developing to their full individual potential. It is hoped that clear targets and time frames will be put in place in order to address this issue, and to complement the important awareness-raising work which has been undertaken so far.

Looked after Children

In 2010, the Commissioner for Children expressed her concerns regarding children in Out-of-Home care on numerous occasions, and had the opportunity to present some of these concerns to Cabinet. The Commissioner highlighted that there is a lack of services available for children who are placed in Out-of-Home care, and due to this fact, children suffer greatly and become incapable of reaching their full potential as active citizens.

In most cases, the purpose of Out-of-Home care should be to provide temporary support to the child and family, with the aim of reinstating the child within the biological family once the parents become capable of undertaking their parental duties effectively and responsibly.

Due to the lack of services available to support and strengthen the family, particularly within the community, Out-of-Home care tends to be utilized as a long term solution as opposed to a temporary measure, to the detriment of children who become traumatized after being removed from their biological family. This problem is magnified when children are separated from their siblings, and have to move from one residential home to another due to various reasons. Children at times may tend to be placed in a particular home due to a lack of options,

^{*19} Christmas in Poverty

^{*20} National Youth Council

rather than due to an assessment which ascertains that the placement is in the best interest of the child.

The lack of placements for children in out of home care has led to some children having to remain within the family home, notwithstanding the issuing of a care order which is meant to guarantee care and protection to these children from the State. Urgent investment is required in alternative accommodation for children who are unable to reside within the family environment, in accordance with the UN Convention on the Rights of the Child. Such alternatives should not only offer a residential service but should also offer therapeutic services to meet the individual needs of children in terms of their emotional, physical and psychological well-being. Without such provisions and structures in place, it will be impossible for children to have an otherwise equal start in life, to break the vicious circle that they are trapped in and to reach the heights which they would otherwise be capable of.

It is important to point out that while institutions are doing their best for the children in their care, it is crucial that more children should be supported through Foster Care within families living in the community. While one has to acknowledge the advancement registered in this area, it is felt that further investment and commitment is needed so that more families are encouraged, trained and supported in order for them to offer their services to support children in foster care.

It is crucial that there should not be any differences in the services that are offered to children who are in care – whether they are in an institution through a care order, court order, voluntary or in foster care. Children in Care who are not under a care order are not entitled to the same services as those who are, in spite of the fact, that the circumstances surrounding the family and the needs of the children will often be quite similar. Present and future legislation pertaining to children in Out-of-Home care should

be fully applicable to all children who are placed in care. All placements of children in care, whether voluntary or involuntary, should be regulated by law.

Coping with Trauma and Youth at Risk

The Commissioner for Children addressed various professionals in the field of counselling during the 7th National Training Week organised by the Malta Association for the Counselling Profession, during which current issues in counselling were addressed. The Commissioner contributed to the session on coping with trauma and youth at risk.

The Commissioner stressed that identified and other unidentified risk factors and stressors can lead to trauma. It is for this reason that professionals coming from a broad spectrum of professions and from different support agencies and departments should be working in support of children, youths and their families in order to provide a holistic service to them.

Mental Health of Children

The Commissioner for Children regularly advocated the need for adults to ensure the good mental health of children, and attended and delivered presentations at a number of seminars towards this end. On each occasion, the Commissioner took the opportunity to promote *the right of the child to the enjoyment of the highest attainable standard of health, and to facilities for the treatment of illness and the rehabilitation of health.*^{*21}

It is crucial that in providing services which allow for children to enjoy this right, due recognition is given to the diverse and varying needs of individual children, thus necessitating the provision of a variety of services which are tailored to meet the needs of every individual child effectively. Continuous evaluation and monitoring of present services is also crucial to meet these aims, in order to ensure

^{*21} Article 24, UN CRC

that services are responding to present needs in an effective and timely manner. Where strengths are identified, these should continue to be built upon, whilst any weaknesses should be promptly and efficiently addressed.

The Commissioner for Children continued to maintain that in order to ensure the full and successful implementation of the UN CRC, further services must be introduced, particularly at community level. Therapeutic services within the community must aim to address the well-being of the child in a holistic manner, whilst facilitating the social inclusion of young people as well as of their families. This is particularly important in relation to children and young people with mental health problems and with very challenging behaviour. It is crucial that regular and intensive support is given to the family, in order to work towards the successful reintegration of children and young people within their family and within the community.

Whilst emphasizing that services in the community are crucial, the Office of the Commissioner for Children also recognized that the severity of some cases necessitates appropriate hospital care. Where hospital services are required, these should be provided in an acute hospital, rather than in a psychiatric hospital environment. This was particularly emphasised by the Commissioner, in her capacity as Ambassador for Children, during the Press Breakfast held in June as part of the European Year Combating Poverty and Social Exclusion.

The Role of the Family

The Commissioner for Children took regular opportunities to encourage full compliance with the UN Convention on the Rights of the Child, which recognizes *that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.*^{*22}

Whilst the Commissioner for Children acknowledged that there are various forms of family structures, efforts should be made in order to ensure that the best interests of the child remain at the centre of the family unit. This is particularly important in the context of current debates on cohabitation, separations and divorce.

It is crucial that the family environment be a stable one that contributes positively towards the holistic development of children. Research has shown that where children do not come from a stable family, they are more likely to suffer from emotional and psychological ill-health, low educational achievements, challenging behaviour, and social exclusion amongst other effects. Lack of stability within the family unit thus potentially has very negative effects which are felt deeply by the child, and which might later be carried on in adult life.

Research has also shown that families which are formed outside of marriage, or following a divorce, are statistically more likely to be unstable, and for the children within the family to suffer the effects of a breakdown of the family unit. Given the circumstances, it is necessary that work is undertaken to strengthen the family unit, in order for the family to continue to be the central environment for the holistic upbringing and development of children.

Children must remain at the forefront of our discussions, particularly in the development of any legislation which provides for a recognition of family structures and urged parties to adopt a child-rights perspective on these issues. Unfortunately, it is quite common for children to fall as a secondary, or even last, consideration, as the turmoil which surrounds the end of a marriage often overshadows and blinds the parties involved to decisions which ought to be made in the best interests of the child.

The Commissioner for Children underlined the need for existing structures, such as the court, legal services and social welfare services, to meet the

^{*22} Preamble, UN CRC.

individual needs of children involved, as opposed to expecting children to fit within the parameters of the structures. These structures must be conducive to empower children to make their voices heard on matters of concern to them.

The Commissioner for Children also stressed the importance of the role of the father within the family structure, in raising children within a loving and supportive family context. The father's role and the mother's role are complementary to one another, and both parents play a valuable part in the effective upbringing of children. Unfortunately, the role of the father is one which has not always been given the acknowledgement which it deserves, given the strong association of children's upbringing with maternal care.

The Commissioner for Children participated in the consultation process for the 4th report of the Social Affairs Committee in Parliament, entitled 'The effect of fatherlessness on children.' The report addresses the role of the father within the family, and puts forward proposals in order for this role to be strengthened. The Commissioner for Children supported this report as well as other initiatives aimed at encouraging fathers to take a more active role in the upbringing of their children, to provide children with the necessary support, direction, guidance, and love for their children.

Family Court

The Commissioner for Children continued to stress that the wishes and best interests of the child should always be given due consideration in making decisions which affect them. Failure to do so may have negative repercussions which will be felt deeply by the child. In a presentation delivered to Cabinet, the Commissioner for Children drew attention to cases where the voice of the child, particularly in cases of marital separation, and subsequent conflict that arises within the family might not have been adequately heard. The Commissioner stressed that it

can no longer be accepted that decisions are taken *for* children *without* children.

These principles were put forward on other occasions when this topic was treated, such as during the consultation process for the 5th report of the Parliamentary Social Affairs Committee, on the Family Court. During this consultation process, the Commissioner highlighted the need for child-friendly avenues of information and support and for ensuring that these are accessible to children when required in relation to their participation in court. Emphasis was also placed once again on the need for the judicial system to adapt its approach and structure to the needs of children, as opposed to requiring children to fit within its pre-existing structures. The need for further training of lawyers, police officers, probation officers and mediators was also highlighted, in order to ensure that professionals develop the necessary skills which are required when encountering children through their work.

The Commissioner for Children also participated during a consultation exercise on this issue, organized by Aġenzija Appoġġ and funded by the Commonwealth Secretariat. The Commissioner's Office put forward a number of recommendations within this field as part of a wider strategic plan to improve services for children in Malta. This exercise was also undertaken in a similar vein in relation to the topic of child protection, on which feedback was provided for the same purpose within the framework of this consultation.

In Vitro Fertilization

The Office of the Commissioner for Children was asked by the Select Committee to report to Parliament about In Vitro Fertilization, to submit its comments about three critical issues, namely:

- Who should be eligible to benefit from IVF?
- Should freezing of embryos be permitted?

- Should donation of gametes to third persons be allowed?

The Commissioner for Children brought these issues to the attention of the Council for Children, and a report reflecting the discussion was forwarded to the Parliamentary Committee.

The salient points were:

1. Who should be eligible to benefit from IVF?

- a) This service should be resorted to as a last resort when all other avenues would have been exhausted;
- b) this service should be allowed only to adults;
- c) this service should be allowed only to heterosexual couples in a stable relationship.

2. Should freezing of embryos be permitted?

- a) Freezing of embryos should only be permitted in extreme situations where freezing would not have been previously considered, and where that it is an unintended side effect;
- b) The number of embryos implanted in the uterus should not exceed two, and fertilized embryos should be used by the couple at a later stage;
- c) Prior to the freezing of embryos the couple should be aware of the consequences and that should have accepted to use the fertilised embryos at a later stage;
- d) It would be of concern to the Office of the Commissioner for Children and the Council for Children if such frozen embryos are not used by the couple;
- e) The Council for Children finds no objection to the freezing of gametes.

3. Should donation of gametes by third parties be allowed?

- a) Donation of gametes by third parties should be prohibited in all cases;
- b) Surrogacy should not be allowed.

4. Other observations

- a) In the drafting of any legislation, the UN Convention on the Rights of the Child and the Commissioner for Children Act should be adhered to, and that the best interest of the child should reign supreme over all other interests;
- b) The Council for Children recommends that a White Paper is put out for consultation for the furthering of discussion on the issue from the medical, ethical and moral perspectives.

Child Obesity

The Office of the Commissioner for Children has regularly lent support and encouragement to initiatives addressing the problem of child obesity in Malta, such as through the Healthy Eating Lifestyle Plan launched by the Education Division. The issue was also addressed within seminars held on the Manifesto for Children in 2008/2009, organized by the Commissioner for Children's Office.

The Commissioner for Children was glad to be informed that a strategy against obesity, aimed at the general population but with a special emphasis on children, is currently being drafted by the Public Health Regulation Department. The Commissioner looks forward to eventually being involved in the consultation process, in order to lend her support to this initiative.

The Commissioner for Children was also glad to be involved in the launch of a practical guide for parents on Healthy Eating for School Children in December 2010 at St. Venera Boys' Secondary School. This event was spearheaded by the Ministry of Health, Elderly and Community Care in partnership with the Ministry of Education, Employment and the Family.

There is a joint responsibility for action to enable children to improve their lifestyle to the greatest possible degree. Obesity does not only bring about health problems but it can also be a source

of exclusion. It can also bring about other social problems like bullying and a negative image of self, amongst others. It is crucial that children are empowered to make healthy and responsible eating choices, thus contributing to a better quality of life for themselves both in the present and the future.



The Commissioner for Children during the launch of Healthy Eating for School Children

Corporal Punishment

The Commissioner for Children gave her full support to the campaign organised by the Council of Europe against the corporal punishment of children, entitled 'Raise your hand against smacking,' and took the opportunity to once again urge full compliance with the UN CRC, which states that *no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.*^{*23} A zero tolerance approach to smacking should thus be adopted.

The Commissioner for Children has undertaken lobbying on this issue, insisting that all forms of violence against children are unacceptable, and should be abolished from legislation and common practice. Unfortunately, the practice of using violence as a means of discipline is one which is deeply engrained and accepted within our culture,

and many parents resort to smacking their children as if this was the only effective way of bringing up children as disciplined and respectful children and adults. It is crucial that the abolishment of corporal punishment go hand in hand with ongoing campaigns and programmes on positive parenting, such as the campaign undertaken by Aġenzija Appoġġ on this issue.

Through positive parenting campaigns and programmes, parents must be given support to undertake their parenting duties and responsibilities, and to bring up children in a non-violent environment. It is crucial that children are disciplined and taught responsibility and respect for others, including their parents. However, such discipline should be provided to children in the form of guidance and direction, rather than in that of violence and humiliation.

Children in Conflict with the Law

The Office of the Commissioner for Children has regularly highlighted the need for a variety of services to be introduced for children in conflict with the law, in order to ensure the full observation of the UN Convention on the Rights of the Child. In order for this to occur, it necessitates a recognition of *the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedom of others and which takes into account the child's age and the desirability of promoting the child's integration and the child's assuming a constructive role in society.*^{*24}

Currently, some obstacles exist which prevent the full observation of this right, and it is necessary that certain lacunae are addressed in order for obligations to the UN CRC and the European Prison Rules to be met. Children in conflict with the law should not be placed in units within Corradino Correctional

^{*23} Article 37, UN CRC.

^{*24} Article 40, UN CRC.

Facility, but should reside in a safe and therapeutic residence within the community, providing a variety of services which are tailored towards their individual needs. The primary aim of this residence would be the rehabilitation of these young people, and to restore in them a sense of social responsibility, respect, and obligation towards the community.

With regards to this issue, reference can also be made to the recommendations that came out of the investigation that the Office of the Commissioner for Children set up as referred to earlier on page 11 of this document.

Health and Safety

The Commissioner for Children expressed her wish for the health and safety of children to be given the utmost consideration at all times. While referring to advertising which involved children and fireworks products, the Commissioner stated that it was vital that children are not only continuously provided with a safe environment, but that they are also educated and granted the tools with which to carry out personal risk assessments, thus being able to identify environments or circumstances which pose a potential threat to their safety, and to subsequently avoid them. Any initiatives, promotions, or events which could potentially jeopardize the ability of children to recognize danger and give them a false sense of security, should be avoided at all costs, in favour of positive and responsible messages.

Handling of Weapons

The Commissioner for Children was made aware of the organizational procedures of the open days of the Armed Forces of Malta, during which members of the public are given the opportunity to witness the good work of the AFM. During the open day, members of the public, even children, were able to handle weapons used by AFM in a controlled manner. Despite the safe environment of these open days, the Commissioner for Children held discussions

with the Commander of the Armed Forces and put forward her recommendation that children under the age of 16 should not be permitted to handle any weapons during this event. This recommendation has been accepted by the Armed Forces and it has been agreed that in future, during the AFM Open Days, only persons over the age of 16 will be allowed to handle weapons including Bofors and ZPU guns.

Children and Culture

*Culture is the birthright of every child, contributing towards their creativity and identity formation. They have a right to know, understand, and explore their culture in a creative way. Opportunities and accessibility to culture and the arts should continue to be built upon and provided for children, in order for them to not only learn about culture and the arts, but to enjoy it.*²⁵*

The Manifesto for Children also highlighted the need for an implemented Cultural Policy and Cultural Strategy, further implementation of culture in its broadest sense within the National Curriculum and efforts to encourage cross-cultural understanding and respect for different cultures in the classroom and during recreational activities.

In view of this acknowledged need, for children to have the opportunity to thrive within a rich cultural environment, that the Commissioner for Children welcomed the launch of the Cultural Policy spearheaded by the then Ministry of Education, Culture, Youth and Sport. The Commissioner was particularly pleased to note that the Cultural Policy incorporated a special focus on children, and on the central role to be played by the education system in recognizing *the right of children to be creators of art and to experience self-formation through the interpretation of heritage* (p.36). The Policy further recognizes the rights of children *as participative members of a dynamic society* (p.36) requiring a strengthened and renewed synergy between education and culture, the former being a primary

^{*25} Manifesto for Children, Pg. 17

vehicle in bringing children's talent and creativity skills to the fore and allowing them to flourish and develop to their fullest potential. Numerous initiatives are outlined in order for these goals to be reached, and it is hoped that these are fully implemented and further enhanced with continuing work in this field.

The Office of the Commissioner for Children was involved in the consultation process for the formulation of a Culture Strategy. The Office highlighted that it is crucial that opportunities for accessibility to culture are worked upon, particularly in reaching the socially excluded (or those 'at risk' of social exclusion) and vulnerable members of society. Culture is for all, and a strategy aimed at developing the artistic and creative capabilities of our children, through increased opportunities and access to culture, further underlines this.

Immigrant Children

It is crucial that efforts are ongoing in order to ensure that the rights of immigrant children in Malta are also duly observed by the authorities, and protected

under the provisions of the UN Convention on the Rights of the Child. The increased vulnerability of these children thus increases the need for authorities to be vigilant in this area.

The Commissioner for Children was glad to participate in initiatives to this effect in 2010, through meetings with NGOs working in this field and through her participation in a workshop on intercultural dialogue entitled 'Intercultural Dialogue from Theory to Practice: Networking and Key Issues on Projects Development within Maltese and Euro-Mediterranean Contexts.'

The Office of the Commissioner for Children was also pleased to note that efforts for the integration of unaccompanied minors within the educational system have been stepped up. The introduction of a peripatetic teacher to assist their integration is a step in the right direction. It is understood that the programme followed has gathered the support of the particular school administrations, teachers and students and was instrumental to the success of the minors' integration in secondary schools.





National Child Art Exhibition organised by Dar Tal-Providenza

Special Schools Reform and Inclusive Education

In February 2010 the Special Schools Reform was launched, transforming Malta's special schools into Educational Resource Centres at primary, secondary and post secondary levels thus enabling students to experience the different phases of school life, as their peers do in mainstream education. The Educational Resource Centres will also be offering specific and specialized services even to students attending mainstream schools. Each Centre will be incorporated within a College and its operations will be serviced by the College structure while their services will not be limited to a particular College. This launch was welcomed by the Commissioner for Children as a positive step towards further strengthening inclusive education.

Later in the year, in order to commemorate the 100th birthday of Dun Mikiel Azzopardi, a National Child Art

Exhibition was organised by Id-Dar tal-Providenza in collaboration with the Curriculum Management and elearning Department within the Ministry of Education, Employment and the Family. Dun Mikiel Azzopardi strived to ensure that all individuals with a disability were treated equally, with respect and dignity, and it is this message which lay at the heart of this event.

The Commissioner for Children inaugurated this event which was attended by a number of students who came from six different schools. The Commissioner for Children expressed how important each and every child is, and also stressed the importance of the continuous progress which needs to be made. She stressed that the progress attained in the educational field, recently enhanced through the setting up of the Educational Resource Centre, should also be reflected in the area of employment in order to ensure that equal opportunities are available and also to ensure inclusion at the place of work.

International Relations

International relations are important to our Office in order to:

- Keep informed of the way other offices with mandates similar to ours are operating and the challenges which they are facing;
- Promote greater awareness of children and young people's realities in other countries;
- Keep up to date with major issues and violations of children's rights internationally;
- Keep alive the universal aspect of the Convention and children's rights.

1st European Network for Young Advisors (ENYA) Coordinators meeting, Paris, February 2010

The Commissioner for Children and the Task Manager of the Office of the Commissioner, attended this conference which had as its aim the setting up of ENYA, the European Network of Young Advisors. The conference was organized by the European Network of Ombudspersons for Children (ENOC), and also aimed to set up an eForum to be used as a platform through which the young advisors could make their views and opinions on important issues of relevance known to them, namely on Education, Health, New Technologies, and Violence. The functioning and structure of the eForum was debated at this conference, in order for it to be an important children's rights tool which ensures that the opinions of young people reach the Ombudspersons for Children in Europe.

Ms Suzanne Gili was nominated to be an online moderator for the topic of New Technologies and supported the young people in expressing their views and opinions. Participants at this meeting also debated the participation procedures for the 14th Annual ENOC Conference held in October, in order to ensure that the young advisors have adequate and effective opportunities to present their proposals and recommendations to the Ombudspersons for Children as part of the programme of the Annual Conference.

Meeting of the Permanent Intergovernmental Group 'L'Europe de l'Enfance', Madrid, May 2010

The Commissioner for Children attended a meeting of the Permanent Intergovernmental Group 'L'Europe de l'Enfance', which treated the subject of Information Technologies and Communications, with a special focus on the opportunities and new risks for childhood, and how this should be tackled in the European context.

The phenomenon of information technologies and communication has a clear international dimension, which has experienced great advances in recent years, and whose future is difficult to foresee. It is a phenomenon which has been embraced by children and young people, and in turn brings them endless challenges and opportunities within the area of education, personal relationships, and the promotion of their rights.

The experience accumulated aimed to identify the strengths and weaknesses that may arise from the illicit use of these technologies. The exchange of good practices in this subject is a valuable tool for guiding public intervention in the defence of children's rights, particularly by parents.

During the first plenary session, entitled 'Opportunities and challenges for childhood in the use of new technologies,' Ms Janice Richardson and Ms Marialen Germendia stated that it is difficult to survive without Internet, yet simultaneously, the Internet poses potential harm and danger to children and young people if used recklessly. It is important to highlight the positive aspects of the internet, whilst raising awareness of its dangers. It is crucial to engage private sectors within such awareness campaigns to reduce the dangers which children face and allow for more positive options to exist. An overview was given of new EU directives and initiatives in this sector which are expected to be introduced shortly.

The Lisbon Treaty incorporates the rights of children, including the right to access information through various media such as the Internet. In this respect, it is necessary to observe the child's right to protection, education and to access information through the Internet. Children should also be taught and guided to reap the benefits of the Internet and to do so in a responsible manner. Accessibility to the Internet should also be guaranteed, and effective outreach is required in order to reduce the Internet divide.

The opportunities which come along with the increased use of the Internet go hand in hand with challenges which must be met. As professionals, we must work to create a safe arena for children and to build solid structures aimed at protecting our children. Initiatives towards child friendly justice, the Cyber Crime Convention, and Council of Europe campaigns on issues such as sexual violence, amongst others, all work towards this. Locally, the 'Be Smart Online!' project to be launched in 2011 aims to work actively on these issues, and there is a need for such initiatives to be ongoing.

2nd ENYA Coordinators meeting, Malta, June 2010

The eForum went live at the beginning of April, and continued to be improved upon through discussions held during this meeting in Malta. The main aim of the eForum is for youth panels from all over Europe to have the opportunity to discuss issues of importance to them in relation to Education, Health, Violence, and New Technologies. The issues of concern discussed by the young people in the eForum had to be later presented at the ENOC Annual Conference.

Two of the Maltese participants, active on the eForum, also attended the meeting. Andre Agius and Nicole Tabone contributed effectively to the discussion on how things could be improved on the eForum. They also gave their views on how preparations for the Annual Conference could proceed. The young participants enabled the Commissioners and

Ombudspersons for Children to take account of the perspectives of young persons.

The Office of the Commissioner for Children organized this event, with the support of the office of Hon Clyde Puli, Parliamentary Secretary for Youth and Sport. The event took place at St. Joseph Retreat House in Rabat in June.

The event was inaugurated by the Hon. Clyde Puli, Parliamentary Secretary for Youth and Sport, Ms. Dominique Versini, Chair of ENOC and Ombudsperson for Children in France, and Mrs. Helen D'Amato, Commissioner for Children in Malta. In her welcome note, Mrs. Helen D'Amato stressed the importance



Andre Aguis and Nicole Tabone during the ENYA meeting, Malta

of ensuring the participation of children and that due attention should be given when their opinions are expressed. This is important both for ENOC as a network of Ombudspersons, as well as for other entities whose decisions are likely to influence the present and future of children and youth.

ENOC Thematic Seminar – The Specific Role of Ombudspersons for Children in Europe to make Children's Voices Heard and their Rights Enhanced, Malta, June 2010

This year, Malta was chosen to host the ENOC thematic seminar. This is an important occasion, where the Ombudspersons and Commissioners for Children from all over Europe meet in order to discuss issues that are of common concern across the European continent. The theme this year was 'The specific role of Ombudspersons for Children in Europe to make Children's Voices Heard and their Rights Enhanced.'

The specific aims of the seminar were to develop a transnational exchange on how to better protect and promote the rights of children, and to ensure that their voices are heard by strengthening the visibility, role and mandates of Ombudspersons for Children across Europe. The seminar also focused on the identification of the main difficulties and challenges faced by ENOC members in the effective accomplishment of their functions, and how these may be overcome.

The Office of the Commissioner for Children organized this event, with the support of ENOC and the European Commission. The event took place at St. Joseph Retreat House in Rabat between the 6th and 7th June 2010. The participants of this thematic seminar were welcomed by Mrs. Helen D'Amato, the Commissioner for Children in Malta, and Ms. Dominique Versini the Ombudsperson for France and Chair of ENOC. The participants included the Ombudspersons and Commissioners for Children from the ENOC member countries, as well as representatives from the Council of Europe and the European Commission.



Roadmap for a Recommendation to Fight Child Poverty, Brussels, September 2010

The Commissioner for Children attended a two-day conference organized by the Belgian Presidency, which identified the fight against child poverty as one of their central priorities to address during the presidency.

The conference incorporated three thematic sessions, which dealt with the topics of resources, services, and participation. During the discussions, the importance for children to have access to all necessary resources which are instrumental to their holistic development and well-being was highlighted. Particular attention was given to support parents to fulfil their responsibilities effectively through the promotion of family-friendly measures and a consideration of parent's employment incomes and social security benefits.

Emphasis was placed on the need for children, with particular emphasis on vulnerable children, to have access to services and opportunities which reinforce their current and future well-being and enable them to fulfil their potential. This approach incorporated but was not limited to a consideration of early childhood education, health, environment, housing, and protection from violence, abuse, and

exploitation. These themes were tackled within the context of a wider framework which recognizes the importance of child participation in every step of this process, and fully respects the right of the child to be heard.

Europe de l'Enfance, Antwerp, September 2010

The Commissioner for Children, Mrs Helen D'Amato, attended this conference held under the Belgian Presidency. Experts representing Governments joined representatives of NGOs and Commissioners for Children to debate three important topics: the European and International policy agenda in the field of children and youth policy and children's rights, the EU strategy on the Rights of the Child, and Early Childhood facilities.

The participants in the conference jointly arrived at the following conclusions in relation to policy agendas on children and youth:

- Children's rights often overemphasize protection, whilst youth policy often overemphasizes participation. This distinction should be nuanced.
- There is a need for more scientific research in order to support the policy.
- There is a need for more collaboration amongst the European Union, the Council of Europe, United Nations and also within the individual intergovernmental organizations as there is a great overlap.
- Childhood poverty cannot be solved solely through better support for parents, but also through tackling the structural problems that may cause poverty.
- Participation is more than consultation. Children need to be involved in the policy-making process with information and support that is appropriate to their age.

Feedback was also given on the EU Strategy on the

Rights of the Child. The experts in attendance felt that there should have been a child-friendly version of this strategy in order to facilitate children's participation during the consultation phase, and that the strategy in general should devote more attention to child participation.

14th ENOC Annual Conference and General Assembly and the ENYA Youth Advisors Meeting, Strasbourg, October 2010

Ms Suzanne Gili attended the 2010 ENOC Annual Conference and General Assembly, which had the theme 'Listening to Children and Involving them in the Promotion and Implementation of their Rights'.

This year, for the first time, ENOC combined this



Ms. Suzanne Gili with Young Advisors, Nicole and Andre, at the Council of Europe

meeting with a gathering of representatives of youth advisory panels through ENYA, to debate issues with regards to Violence, Education, Health, Privacy and the risks linked to the use of New Technologies.

Thanks to this initiative, ENOC provided a unique opportunity for young persons to express their views and to bring before the Ombudspersons proposals with regards to children's rights.



Fourth IJJO^{*26} International Conference - Building Integrative Juvenile Justice Systems: Approaches and Methodologies regarding Mental Disorders and Drugs Misuse, Rome, November 2010

The Commissioner for Children, Mrs Helen D'Amato, as well as the Task Manager for the Office, Ms Suzanne Gili, attended this conference in Rome from the 9th to the 10th November 2010. This conference was particularly pertinent in the light of the inquiry launched on this issue by the Commissioner's Office in 2010.

This also led to the formulation of concrete recommendations with the aim of improving the work of the Ombudspersons for Children.

Andre Agius and Nicole Tabone were two young people representing Malta at this conference. They formed part of the working group discussing Health issues and contributed actively to present their ideas and recommendations. Ms. Suzanne Gili was also present as a moderator in this context, supporting the young advisors to put forward their views and opinions in relation to the topic of New Technologies.



The conference took as its central theme the study of the treatment of minors who are in conflict with the law, and/or suffer from mental disorders and addiction. The conference aimed to encourage debate and the analysis centred on the intervention policies and programmes applicable to young offenders suffering from behavioural disorders. The conference mainly addressed professionals working in the fields of juvenile justice and mental health, and encouraged the exchange of knowledge and good practice.

The Commissioner for Children and the Task Manager participated during workshops on: juvenile delinquency connected to the misuse of drugs and resources employed towards their social reintegration; juvenile mental health and drug misuse; mental disorders and juvenile justice; and the relationship between the juvenile justice systems and the health services.

Participants in this event contributed towards the drawing up of proposals and recommendations designed to encourage the comprehensive treatment of the minors concerned as well as to provide responses to the main issues brought up from a legal and intervention perspective.

^{*26} IJJO – International Juvenile Justice Observatory

Legal Issues

A number of legislative amendments and new legislation affecting children were presented in 2010. The Commissioner for Children was pleased to note a number of positive developments.

Protection of Minors Bill (Offender's Register)

The Office of the Commissioner for Children was pleased to welcome the launch of the Bill aimed towards the setting up of an Offender's Register, under the Protection of Minors Act. This development makes a significant contribution towards cohesive national efforts in the protection of children and young people, and addresses a concern that the Office of the Commissioner for Children had since its inception in 2003.

The Commissioner for Children holds that whilst this is a very positive step, certain lacunae should be addressed in order to ensure that this legislation achieves its aims as effectively as possible and grants full protection to children and young people to the greatest possible extent.

The Council for Children discussed the Bill together with professionals in the field of psychology and social work and is in the process of drawing up a position paper to be sent to the Minister for Justice and Home Affairs.

It is hoped that this legislation will be implemented at the earliest possible opportunity and that further structures (such as child-friendly reporting avenues) are put in place in order to support the effective implementation of the Act.

Ratification of Optional Protocol and Council of Europe Convention

The Commissioner for Children was also very pleased to note Malta's ratification of the Optional Protocol to the UNCRC, on the Sale of Children, Child Prostitution and Child Pornography, as well as the ratification of the Council of Europe Convention

on the Protection of Children against Sexual Exploitation and Sexual abuse.

These two developments are significant steps towards a more effective observation of children's rights on a national level and will complement existing measures to combat the sexual abuse and sexual exploitation of children.

Amendments to Criminal Code

Additions of a new article immediately after Article 204C of the Criminal Code was indeed welcome. Reference is made to new Article 204D which reads:

204D who so ever:

- a. *compels a person under age to perform sexual activities with another person, or*
- b. *knowingly causes, for sexual purposes, a person under age to witness sexual abuse or sexual activities, even without causing the said person to participate in the activities, or*
- c. *knowingly causes, for sexual purposes, a person under age to participate in real or simulated sexually explicit conduct or exhibition of sexual organs, including through information and communication technologies, or*
- d. *participates in sexual activities with a person under age, where recourse is made to child prostitution, or*
- e. *knowingly attends a pornographic performance involving the participation of a person under age,*

Shall on conviction, be liable to imprisonment for a term from eighteen months to five years with or without solitary confinement.

Notwithstanding the above, a number of legal issues remain a cause for concern and are mentioned in Section 11 of the document.

Concerns of the Office of the Commissioner for Children

The Office of the Commissioner for Children raised a number of concerns in previous years, and put forward proposals with regards to how the rights of children could be better observed in this respect. While some concerns have since been addressed

or are being addressed, others have been ongoing since the inception of the Office in 2003. The proposals and recommendations arising from these concerns are as follows:

Issue	Elaboration/Concern	Proposal	Progress Registered
Incorporation of the Convention on the Rights of the Child into domestic legislation	An important step was taken when Malta ratified the UN Convention on the Rights of the Child on the 26th January 1990. Domestic legislation is not yet fully compliant with the Convention.	It would be commendable for the Convention on the Rights of the Child, which is a human rights instrument, to be incorporated into domestic legislation [as in the case of the European Convention on Human Rights], in keeping with the recommendation of the Committee on the CRC in 2000.	The Commissioner for Children notes that the Office of the Attorney General is working to identify further lacunae in domestic legislation and to study the feasibility of the incorporation of the UN CRC into domestic legislation.
Children Act	The existence of various legislation involving children causes variations in interpretation and application of the law, which is not in the best interests of the child. Lacunae presently exist in legislation in relation to children.	Efforts to address any conflicting interpretations in legislation should be undertaken, ensuring that present legislation is fully compliant with the UN Convention on the Rights of the Child. Lacunae in present legislation in relation to children, such as in the case of children in Out of Home care and reasonable chastisement should be addressed.	Ongoing concern since 2003

Issue	Elaboration/Concern	Proposal	Progress Registered
National Policy for Children	A comprehensive national policy on the implementation of the rights enshrined in the UN Convention is very much needed in order to ensure the best interest of all children.	It is necessary for a National Policy and a National Strategy for Children to be completed at the earliest opportunity and implemented without delay. National structures and the required resources for implementation should also be put in place.	The initiation of work by the Ministry for Education, Employment and the Family on a National Children's Policy in 2010 was welcomed.
Department for Children	<p>There is no central entity which assumes overall responsibility for the formulation of strategies and policies, specifically with regards to children.</p> <p>Furthermore, the Department for Social Welfare Standards does not as yet have the necessary legal framework to effectively monitor standards essential for children.</p>	<p>The setting up of a Department for Children entrusted with policy and planning would contribute towards a clearer definition of roles.</p> <p>A legal framework needs to be put in place in order for the Department for Social Welfare Standards better engage in the task principally entrusted to it, which is that of overseeing service delivery.</p>	While one acknowledges the good work that is being done by the Department for Social Welfare Standards, it should be stressed that, without much delay, the next step should be that this Department is supported by legislation.
Directory of Services for Children	Given that no Department for Children exists, services for children tend to be fragmented, leading to uncertainty with regards to which entities should be consulted when services are needed.	A directory of services for children should be published, clearly outlining the role and responsibilities of each entity. The directory should incorporate all official entities working with and for children. Such a directory should be in a digital format so that it can be updated regularly.	The Office of the Commissioner for Children has taken the initiative to produce this directory and it is anticipated that this will be published in 2011.

Issue	Elaboration/Concern	Proposal	Progress Registered
Poverty, social exclusion and support in the community	<p>Malta has already set numerous initiatives in place in order to address the issue of child poverty and social exclusion, yet there is an urgent need for further commitment to set quantitative targets for the eradication of poverty and social exclusion at a national level.</p> <p>Commitment is also needed to set up more services at community level with regards to family support, mental health and other social problems.</p> <p>More effort is necessary in order to reach out to children and their families who are at the margins of society.</p> <p>This also applies to unaccompanied minors and children of refugees and irregular migrants.</p>	<p>It is vital to establish clear and measurable targets for the eradication of child poverty and social exclusion, indicating time-frames within which these targets can be met. A coordinated effort is needed and necessary resources also need to be in place.</p> <p>The setting up of family centres in the community would be a step in the right direction.</p>	<p>Whilst positive measures have been noted, much more needs to be done particularly as we aim to eradicate the intergenerational cycle of poverty.</p> <p>With regards to the inclusion of unaccompanied minors one notes that the introduction of a peripatetic teacher and a working group within MEEF to ensure the integration of unaccompanied minors within the educational system is a step in the right direction.</p>

Issue	Elaboration/Concern	Proposal	Progress Registered
National Policy and National Strategy for children in Out-of-Home care	A strategic plan on Out-of-Home care was drawn up by the Ministry of Social Policy for the next 10 years. The strategic plan was done within the framework of the National Standards for Out-of-Home care, the implementation of which has already begun. However there still exists the need for a National Policy to address issues related to Children in Out-of-Home care in order for measurable standards and targets to be set in place.	<p>It is being proposed that a national policy for children in Out-of-Home care should run parallel to the National Children's Policy that is being currently drafted. It is also being recommended that the necessary resources for its effective implementation should also be in place.</p> <p>Further to the above, all placements of children in care (including hospital care, especially in a psychiatric hospital) should be regulated according to a personalized care plan tailored to the present and future needs of each individual child.</p>	While it is understood that the implementation of the strategy has already started, much more work needs to be done in order for it to leave an effective impact on the children and for standards to be fully implemented at the earliest opportunity.
Residential Care for children under the age of 5	International research highlights that residential care is particularly detrimental to children under the age of five, and that fostering is a much better alternative for children at this stage of development. As legislation currently stands, it is difficult to place children in foster care when their parents do not consent to this being done. A number of parents still prefer their children to be in residential care to them being in foster care.	Social work practitioners should ensure that every effort possible is undertaken so that children under the age of 5 are placed in foster care rather than in an institution. The temporary waiving of parental rights, where necessary, in order to respect the rights of the child to a healthy environment should be actively pursued to ensure that these children have the opportunity to benefit from an alternative family home through foster care.	It is with great satisfaction that one points out that this year has seen an increase in the number of new born babies that were assigned to foster care instead of being placed in an institution. This momentum must be nurtured and the required resources should be made available.

Issue	Elaboration/Concern	Proposal	Progress Registered
Institutional Care and Foster Care	The majority of children in Out-of-Home care currently reside within an institutional care environment. Whilst the significant work of such institutions is to be recognized, local, European and International qualitative research has shown that children placed in foster care fare better than those placed in institutionalized care.	Institutional-type residential care should ultimately be phased out in favour of fostering by professionally trained and adequately compensated foster carers. On the other hand children who are placed in residential care should be cared for by professionally trained personnel and should be placed in small groups in child-friendly premises within the community. The provision of institutional care should be limited to those who would not benefit from fostering.	<p>2010 saw a marked increase in benefits and assistance to foster carers. The number of children in foster care has considerably increased over the years, however, it is still felt that more foster families are needed to meet the current demands.</p> <p>It is with satisfaction that one also notes that the Budget for 2011 is introducing a new scheme aimed at providing alternative support for children with severe challenging behaviour who cannot benefit from residential services and foster care as it stands today.</p> <p>Further sustained initiatives in this area are highly recommended.</p>
Lack of Residential Care Facilities and essential services in Gozo	The Commissioner for Children has expressed her concern over the lack of residential care facilities in Gozo, a problem which was exacerbated in 2008 with the closure of Lourdes Home. Gozitan children now have no facilities for Out-of-Home care, when required on the island.	<p>The Commissioner for Children has urged the authorities to take immediate steps to address the existing lacuna of residential care facilities in Gozo.</p> <p>The provision of essential services such as family therapy and counselling to the residents of Gozo is also urged.</p>	<p>The Office of the Commissioner was pleased to note that a crisis intervention centre has been set up and that a call for application for on call services for professionals to support the centre will be issued in early 2011.</p> <p>The Office is also pleased to note that further discussions with the Curia in Gozo are being held in order to address the issue of placements in Gozo after the closure of Lourdes Home.</p>

Issue	Elaboration/Concern	Proposal	Progress Registered
Legislation regarding the voluntary placement of children in care	Discrepancies currently exist between the treatment of children who are in care following a care order or court order and those who are placed in care voluntarily by their biological parents. Reasons why children are put in any form of Out-of-Home care vary and include mental ill-health, substance abuse and other social problems.	Present and future legislation pertaining to children in Out-of-Home care should be fully applicable to children who are placed in care voluntarily. Such children should be guaranteed the same rights as children who are placed in care following the issue of a care order or court order. All placements of children in care, whether voluntary or involuntary, should be regulated by law. More often than not the needs of these children are the same irrespective of which system they are placed in care.	Increasing concern since 2003

Issue	Elaboration/Concern	Proposal	Progress Registered
Care Orders	<p>Children who are entitled to special care and assistance from the State are placed under a care order, following an assessment which determines that it is not in the best interest of the child to continue to reside in the family home. The State is duty bound to provide these children with an alternative healthy family environment which would have been denied to them by their parents.</p> <p>Nonetheless, notwithstanding the issuing of a care order some children might still reside with their biological family because of lack of alternative placements.</p>	<p>It is crucial that children receive the care and protection from the State to which they are entitled and are not left to reside in a home which has been determined unfit for their well-being.</p> <p>Urgent investment is required to support alternative accommodation for children when they are unable to reside within their family home. Such alternatives must be therapeutic and must meet the children's individual needs in terms of their social, emotional, physical, and psychological well-being.</p> <p>A review of present facilities, especially for children in their teens, is highly recommended.</p>	<p>This situation must be tackled with great urgency since the number of children in need of alternative care is on the increase.</p> <p>The scheme (as mentioned before) introduced through budgetary measures for 2011 is a starter and should be further sustained in order to meet current needs.</p>
After Care for children in institutions	<p>Children who spend a long time in care end up leaving institutional care at age 18 without much additional support in order to start them off in adult life.</p>	<p>It is being proposed that the care plan and support structures (that will eventually be phased out) should be in place before youths reach the age of 18, and that such a plan include a transitional period of support into adulthood.</p>	

Issue	Elaboration/Concern	Proposal	Progress Registered
Supervised Access Visits	It was brought to the attention of the Office that there are a number of children who are entitled to see their parents under supervision who were unable to do so for some time. Waiting lists were cited as a reason for such delays. This is a matter of great concern, particularly given that the majority of these situations arose as a result of financial difficulties of parents who were unable to pay for Supervised Access Visits.	Efforts should be made for children to retain a relationship with their biological family and support must be provided in this respect, partly through the provision of this essential service. Such a service should not be subject to payment on the part of the non-custodial parent.	It is to be noted that the service is no longer being given against payment. However the Office continues to recommend that the provision is given in a child-friendly facility that contributes to the building of a meaningful relationship with both parents.

Issue	Elaboration/Concern	Proposal	Progress Registered
Juvenile Justice	The UN CRC and the recommendations of the Council of Europe Committee of Ministers on the European Prison Rules establish that children under the age of eighteen years should not be detained in a prison for adults, but in a facility designed for this purpose.	The Commissioner for Children has released statements expressing concern over the imprisonment of children, calling for the provision of alternative methods of detention, such as therapeutic residential set ups for young offenders which are located outside of the Corradino Correctional Facility. The use of alternatives such as Mount Carmel Hospital is potentially detrimental to children, unless the child actually needs the services because of his/her mental ill health. There is a great need of services which are tailored to the specific needs of children and young people who are in conflict with the law. This is even more so for girls because while there is the facility known as YOURS for boys who are young offenders, there is no such facility for girls, who would consequently be put in one of the two female divisions for women.	This year the Office of the Commissioner for Children set up an inquiry with regards to children who are in conflict with the law. The recommendations will be discussed with the relevant ministries.
Age of Criminal Responsibility	The UN CRC Committee has expressed its concern over "the low age of criminal responsibility (9 years); namely over the assumption, found in the local legislation, that a child between 9 and 14 years may act with 'mischievous discretion'	The age of criminal responsibility should be raised. The Committee on the Rights of the Child has recommended that the age of criminal responsibility be raised to 14.	No progress has been registered.

Issue	Elaboration/Concern	Proposal	Progress Registered
Juvenile Court - Co-accused Minors	At present, accused minors do not have the right to have their cases heard before the Juvenile Court when the offence has been committed with a person who is over 16 years of age.	Measures should be taken in order to establish the right for co-accused minors to have their cases heard before the Juvenile Court.	No progress has been registered.
Child Participation and Access to Court	<p>The wishes and best interests of children should always be given due consideration when making decisions which affect them. Failure to do so may have negative repercussions which will be felt deeply by the child.</p> <p>The Office of the Commissioner for Children receives a number of complaints regarding the negative emotional and psychological effects on children due to delays in court procedures.</p>	<p>It is vital that children have the necessary access to justice mechanisms, and that procedures are in place in order to enable them to participate in court proceedings where necessary, in a manner which is appropriate to their maturity and understanding.</p> <p>We acknowledge that some of the delays are caused by the numerous applications to Court by the parents themselves. It is felt that the Court should address the situation where it sees that these applications are being used as delaying tactics.</p> <p>It is also recommended that the Court adopts a fast track system of cases where maintenance and visitation rights are particularly concerned.</p> <p>The Office of the Advocate for Children should be strengthened.</p>	<p>While discussions to improve on what has already been achieved through the Family Court have been going on, the Office urges the competent authorities to reach conclusions and formulate the necessary amendments to be implemented.</p> <p>The Office was pleased to note that a call for application was issued for the further strengthening of the Office of the Advocate for Children and hopes that this process is sped up.</p>

Issue	Elaboration/Concern	Proposal	Progress Registered
Sex Offenders Register	There are limited provisions for ensuring that individuals who are guilty of sexual crimes do not come into contact with children in their work, whether this work is undertaken on a voluntary basis or in a paid capacity. Recent cases of sexual abuse have highlighted the need for such a register to be put in place at the earliest opportunity.	Discussions relating to the need for a sex offenders register should be held without any further delay, remaining mindful of how such a register should function within the socio-cultural climate of Malta. It is vital that consultations are held with all stakeholders in deciding how such a register should operate in Malta.	<p>The Office of the Commissioner for Children welcomed the introduction of a Bill setting up an offenders register (not limited solely to sexual offences) under the Protection of Minors Act. This is a significant step in addressing an outstanding concern of the Commissioner's Office.</p> <p>It is hoped that this legislation is implemented at the earliest opportunity.</p> <p>Further to this, one also notes:</p> <ol style="list-style-type: none"> 1. The ratification of the optional protocol to Sale of Children, Child Prostitution and Child Pornography and the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse; and 2. Amendments to the Criminal Code.

Issue	Elaboration/Concern	Proposal	Progress Registered
Health – Screening Tests at Birth	At the birth of a child, only two screening tests are currently provided in order to identify, possible conditions resulting in ill health, at an early stage in the child's development.	In order for early identification of such conditions to be more effective, it is suggested that research is undertaken by the competent authorities to introduce additional screening tests. The introduction of these tests would greatly contribute to the prevention of serious health problems later on in the child's life.	<p>The Office is informed that the Directorate for Strategy and Sustainability within the Ministry for Health, Elderly and Community Care is looking into neo-natal screening programmes in the context of another policy with regards to rare diseases. The latter policy should also incorporate neo-natal screening in it.</p> <p>The Commissioner welcomes these developments and urges the publication of such policy and the implementation of these measures at the earliest opportunity.</p>

Issue	Elaboration/Concern	Proposal	Progress Registered
Age of Medical Counselling and Treatment	In the medico-legal arena, the age of consent to medical counselling and treatment is not set by biological age (18 being majority age) but by age of maturity and understanding of the individual according to the Fraser Competence Assessment Tool. Local legislation does not reflect this situation hence it is left at the discretion of the medical profession whether the Fraser Competence assessment tool is adopted or not or whether to go by the biological age of the patient asking for counselling or treatment. This means that children might find themselves in a position where they will not be able to access the necessary health care needed. This could be detrimental to their health.	It is being proposed that clear legislative measures are in place. Such legislation should emphasise the importance of the age of understanding and recognizes the doctor's discretion in assessing the competence of the person seeking counselling and or treatment.	This issue was under review at the time of publication of the 2000 report of the Committee on the Rights of the Child however no progress has yet been registered.
Sexual Health Policy	A National Sexual Health Policy was redrafted in 2009 however the funds necessary for its implementation have not been ring-fenced.	The introduction and implementation of a National Sexual Health Policy and Strategy is a matter of great urgency, and should be addressed without delay.	The Commissioner for Children welcomed the launch of the Sexual Health Policy in November 2010, which was introduced with the aim of establishing a framework on which a national strategy could be built. It is hoped that this positive work continues to be built upon, with the imminent implementation of a national strategy.

Issue	Elaboration/Concern	Proposal	Progress Registered
Consumption and Selling of Alcohol to Minors.	While the sale, procurement or the drinking of alcohol was raised by another year from 16 to 17, under age drinking is still evident and further concern is shown over the fact that binge drinking is fast becoming a habit amongst Maltese youths.	Enforcement must be fully implemented, in a way which takes into account all outlets where children may have access to alcohol. It is also recommended that the minimum drinking age is raised to 18 years.	Whilst improvement has been registered, the Office of the Commissioner for Children maintains the recommendation that the minimum drinking age be raised to 18.
Body Piercing	There is no regulation of body piercing on minors.	The Commissioner for Children requested that the body piercing of minors be banned or made subject to parental consent.	The Commissioner for Children welcomed the introduction of external Guidelines on Body Piercing by the Department for Environmental Health, in support of L.N. 13/2008. The Superintendent of Public Health notified that persons interested in performing body piercing were to obtain the respective license by not later than 30th September 2010.

Issue	Elaboration/Concern	Proposal	Progress Registered
Absenteeism	<p>An electronic database is presently in place regarding the collection of data with regards to absenteeism, and reports can thus be given in a timely manner.</p> <p>While one acknowledges that record-keeping of absenteeism has been improved upon, one still cannot but point out that the number of children who are absent from school, for one reason or another, is still very worrying.</p>	<p>Research should be conducted in order to identify the main reasons for children and young people being absent from school.</p> <p>It is essential that children who habitually present a medical certificate to justify their absence should still be followed.</p> <p>Guidelines should be set up in order to have a streamlined procedure with regards to reporting.</p> <p>Further to this there should be clear guidelines with regards to what kind of interventions are needed to ensure that all children attend school outlining also the support they require in order to do so.</p> <p>The introduction of more family and youth workers within the system would also be a step in the right direction</p>	<p>The Commissioner for Children was informed that attendance guidelines for primary and secondary schools have been drawn up and are in place for the scholastic year 2010/2011.</p> <p>These guidelines should be complemented by another set of guidelines outlining the intervention process.</p> <p>The introduction of more social workers and other professionals in the psychosocial field who have been assigned to colleges should help in this regard.</p>

Issue	Elaboration/Concern	Proposal	Progress Registered
Children Leaving School Early	<p>While various initiatives have been introduced, a significant number of children still leave formal education as soon as they reach the end of compulsory schooling. Their inability and/or reluctance to move from secondary to tertiary education makes attendance at any academic institution a non-viable option, thus leaving children with few realistic options once they leave school. The “more of the same” approach will not engage and encourage these children to take up present opportunities.</p>	<p>Different Youth Schemes and training programmes organized by ETC are valuable initiatives that target young persons who leave school just after compulsory schooling.</p> <p>However, further opportunities should be made available to children to explore other avenues of vocational training which do not necessarily take place within an academic environment.</p> <p>It is recommended that, within this group, learning difficulties (eg. Dyslexia) are identified with the aim of supporting such persons with individual programmes to address their difficulties.</p> <p>It is extremely important that the Education Division, MCAST and ETC work in synergy in the best interest of children.</p>	<p>One acknowledges the various initiatives and programmes supported by ETC.</p> <p>The scheme youth.inc, introduced in 2010 and in operation in 2011 by the Foundation for Educational Services, together with ETC and the Malta Qualifications Council as partners, is indeed a step in the right direction.</p> <p>One also acknowledges the introduction of vocational courses at foundation level at MCAST that have now been extended over two years.</p>

Issue	Elaboration/Concern	Proposal	Progress Registered
School Transport – Bullying and Pick up times	According to a number of complaints received by this Office, some children are being transported to school earlier than necessary and that there is lack of monitoring on school transport. Bullying may easily occur on school transport in such circumstances. Another concern is with regards to vehicles with tinted windows that are used for school transport.	<p>The Office is aware that different transport systems are operated by Government, Church and Independent schools.</p> <p>The Commissioner for Children urges all stakeholders to review their systems and seek ways of co-ordination between different sectors to ensure that children arrive at school on time that is neither early nor late.</p> <p>The Commissioner also proposed that a bus monitoring system be introduced on school transport to ensure that basic safety measures are observed and that bullying on school transport is curbed.</p> <p>With regards to tinted windows, all vehicles used for school transportation purposes should conform to regulations established by Law, under LN414 of 2007. If it is found that existing parameters of this legislation are insufficient, or are not presently enforceable, an immediate review of this legislation and enforcement procedures would be required.</p>	<p>Some of the issues mentioned were raised by the Office of the Commissioner for Children with Transport Malta.</p> <p>While it is acknowledged that there has been a liberalization of the market with regards to mini bus operators, this has not yielded the desired effect in the form of an increase in operators to supply services according to the demand. This needs to be further looked into.</p> <p>The Office of the Commissioner for Children is currently working with Transport Malta to set up guidelines with regards to safety on school transport.</p> <p>The Office of the Commissioner for Children has requested Transport Malta to monitor more effectively that LN414 of 2007 is adhered to. The Office is informed that a number of minibuses have been inspected.</p>

Issue	Elaboration/Concern	Proposal	Progress Registered
Children's Right to Play	Children are not always able to enjoy their right to play owing to many factors, including academic pressures, an exam-oriented education system, excessive parental anxiety and an overloaded school and after-school timetable. A lack of adequate play facilities and safe playing fields also contributes to this problem.	Further measures should be taken in order to remove obstacles which currently hinder children from enjoying their right to play. This concern was raised through the publication of 'Children's Right to Play' by the Office of the Commissioner for Children in 2006. In addition, the Commissioner for Children also proposes the setting up of a regulatory body to monitor safety in play grounds.	<p>The Office was pleased to note the progress that was registered on a national level through various initiatives taken with regards to public open spaces.</p> <p>It is hoped that such initiatives will continue to be taken so as more public open spaces for recreational purposes are available.</p> <p>The National Standards for Public Playgrounds, spearheaded by the Malta Standards Authority, was also seen as a very positive development towards the observation of children's right to play.</p> <p>In 2011 the Education Reform will continue to be implemented and this should also provide more free time for children to engage in play.</p>

Issue	Elaboration/Concern	Proposal	Progress Registered
Sports – National Child Protection in Sport Policy	<p>In November 2007, a Commission was formed by the Kunsill Malti għall-iSport^{*27} (KMS) with the aim of drafting a National Child Protection in Sport Policy. The Manager for Research and Policy within the Office of the Commissioner for Children formed part of this Commission. It was of concern to this Office that this document would initially be launched as a set of guidelines and not as a policy as it was originally intended.</p>	<p>The Office of the Commissioner for Children has passed on its proposals to KMS and hopes that these will be taken on board.</p> <p>It is felt that much precious time has passed and these guidelines should be published immediately.</p> <p>Once the guidelines are in place the second phase should start immediately in order to transform these guidelines into a policy document eventually to be supported by legislation.</p>	<p>The Office of the Commissioner for Children has been assured that the proposals put forward are being analyzed, with the intention of incorporating the majority of them into the guidelines.</p> <p>This Office was also informed that during 2010, the document was further reviewed in order to reflect recent developments in child protection legislation.</p> <p>.</p>

^{*27} National Sports Council

Issue	Elaboration/Concern	Proposal	Progress Registered
Sports – Inquiry into Youth Football Nurseries	The Office of the Commissioner for Children initiated an inquiry into Youth Football Nurseries in 2007. The final report was forwarded to the relevant authorities, outlining a number of proposals and recommendations for this field. These recommendations were also made accessible to the public by means of the Commissioner's website.	<p>Amongst the proposals put forward, the Office of the Commissioner for Children recommended that i) children are registered with football clubs on a yearly basis as opposed to every two years, in order to curb any possible exploitation of the child; and that (ii) coaches are trained to a greater degree, and on a regular basis, in terms of how to work with children.</p> <p>The Office is further recommending to Youth FA to produce a clear and child friendly manual (in Maltese and English) that would explain regulations with regards to registration with football clubs to ensure that children and parents know what it entails when they register with a club.</p>	<p>The Office was informed that children between the ages of 10 and 14 registered with football clubs are now being given the option to ask for a release at the end or beginning of every season as opposed to two seasons as it was before.</p> <p>The Office is also informed that the training that coaches are being given includes sessions of how to deal with children.</p>
Sport – Monitoring and regulation of sports facilities	There are currently limited provisions for Kunsill Malti għall-sport to undertake the monitoring and regulation of existing and proposed sports facilities due to lack of human resources.	Provisions should be in place in order for Kunsill Malti għall-iSport to be able to ensure that child protection measures are fully observed within sports facilities.	This Office has been informed that nothing much has changed and so this issue remains a concern.

Issue	Elaboration/Concern	Proposal	Progress Registered
Hotline to Fight Child Abuse over the Internet	There is currently a lack of clear official child-friendly avenues for children to report cases of Internet abuse. In July 2006, EU funding helped set up a Hotline to fight Child abuse over the Internet but in February 2008, funds were not renewed.	<p>It is vital that such a service is not suspended simply because funds from the European Union are not forthcoming. This must be viewed as a responsibility to our children and such a service should be sustained through public funds.</p> <p>Authorities should take urgent action to address this problem. They should explore possibilities of how Child Abuse over the Internet may continue to be fought. This may be done through the continuation and support of such a reporting service and through synergy amongst the various stakeholders to include children themselves.</p>	<p>In 2010, the new project submitted by Malta was accepted by the Safer Internet Plus Programme, under the title 'Be Smart Online! A Safer Internet Centre for Malta'. The proposal, spearheaded by the Malta Communications Authority and partnered by other significant entities aims to set up a Safer Internet Centre in Malta, including an awareness node, hotline and helpline.</p> <p>It is envisaged that this service will start operating in 2011.</p>
Road Safety and Accidents	The Commissioner for Children expresses her concern over the number of road accidents involving children and young people. NSO Statistics for 2010 indicate that there were 94 young persons involved in accidents, amongst whom 23 persons suffered grievous injuries and one young person lost his life.	<p>The Commissioner for Children urges further initiatives to be taken by the competent authorities particularly Transport Malta and Local Councils, in order to promote road safety, especially where children and young people are concerned.</p> <p>The Office also urges all authorities to work in synergy and in a timely manner where road safety is concerned.</p>	

Issue	Elaboration/Concern	Proposal	Progress Registered
Child Labour	<p>Concern has been raised about the issue of child labour particularly the low penalty fines for infringement.</p> <p>It transpires that there are presently two legislative measures regulating the issue of the employment of minors. Reference is made to Subsidiary Legislation 452.92 Young Persons (Employment) Regulations under the Employment and Industrial Relations Act and Subsidiary Legislation 343.23 Man Power Records (Commencement or Termination of Employment) Regulation which refers to the Employment and Training Services Act. Fines contemplated under these two subsidiary legislations are different.</p>	<p>The relevant subsidiary legislations regulating the issue of child labour are to be harmonized at the earliest opportunity, thus contributing towards a shared and coordinated national approach in addressing the illegal and unprotected employment of children.</p> <p>The Office of the Commissioner for Children urges that effective law enforcement measures are operated to fight against child labour.</p>	<p>The Office of the Commissioner for Children has taken initial mediating steps with the Directorate of Industrial Relations and ETC in order for these subsidiary legislations to be harmonized, thus providing the greatest possible protection for children at risk of child labour.</p> <p>The authorities concerned agreed to this recommendation and they even agreed to share information on illegal employment of minors. The Office is informed that ETC is presently reviewing the legislation with the aim of introducing the necessary amendments.</p>

Conclusion

The report highlights the work done by the Office of the Commissioner for Children for 2010. It is to be noted that although this covers the work done under the direction of two Commissioners the Office went through a smooth transition and there was continuity in the functions and commitments that were taken by the Office throughout 2010.

The report also highlights a number of initiatives taken by the Office of the Commissioner for Children along with other entities, which aimed to address the issue of poverty and social exclusion and other concerns. Significant progress was made in 2010, in raising awareness on issues of poverty and social

exclusion in its broadest sense.

It is hoped that the momentum achieved during 2010 does not fizzle out as we concentrate on other issues during the coming year. It is crucial that work on this issue does not end with awareness-raising. Certainly, this is an essential component in our quest to eradicate poverty and social exclusion. However, it is vital that increased awareness is coupled with a sense of responsibility for collective action, with clear and measurable targets and time-frames. Only then can these challenges be truly addressed in the best interest of the child.

It is important that all stakeholders work in synergy and let us not fall into the trap that:

We worry about what the child will become tomorrow yet we forget that he is someone today.

(Stacia Tauscher)

