

ANNUAL REPORT 2016

Office of the Commissioner for Children



Kummissarju ghat-Tfal

Commissioner for Children

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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Published by the Office of the Commissioner for Children
16/18, Tower Promenade
St, Luċija, SLC 1019, Malta

Tel: +356 21 485180

Email: cfc@gov.mt

Websites: www.tfal.org.mt and www.zghazagh.org.mt

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MESSAGE FROM THE COMMISSIONER

PAULINE MICELI
COMMISSIONER FOR CHILDREN

My first year of activity as Commissioner for Children has been at once exciting, challenging and enlightening.

Exciting because working to advance the rights of children in Malta is the noblest and most inspiring of prospects for anyone commencing his or her day of work.

Challenging because the sheer volume and complexity of the issues relating to children's rights that need to be addressed, are impressive.

Enlightening because the close contact my role has enabled me to have with children experiencing the joys and pains of childhood has taught me a lot about what it means to be a child in the twenty-first century.

The work that has been started or accomplished during my first year in office is the result of an exchange between me and the members of staff of this Office and the myriad individuals and groups who hold a stake in the wellbeing of children. To all of these, I would like to extend my gratitude for their selfless dedication to the cause of children's rights in Malta.

BACKGROUND AND INTRODUCTION

Set up in 2003 by an act of law, the Commissioner for Children is ultimately responsible for making recommendations that seek to bring about a wider and deeper respect for the rights of children in Malta. Although the Commissioner does not have the legal power to force through the implementation of his or her recommendations, the law guarantees that these recommendations are heard and given due consideration, to the extent that any refusal to comply with them must be formally justified by the person or body to whom the recommendations are directed.

The Commissioner also tries to foster a culture of respect for the rights of the child by raising awareness in children and the general public about the content and significance of these rights with a view to empowering them to uphold these rights in their day-to-day activity.

In order to identify where and how it needs to act, the Commissioner actively monitors and researches the situation of children's rights in Malta both at the micro level of individual cases and at the macro level of laws, policies, procedures, services and their outcomes.

From the above perspective on the role and remit of the Commissioner for Children, the following pages of this publication are an account of how the Commissioner's Office has acted towards and viewed the situation of children in Malta in the course of the year 2016.

1. A GUARANTOR FOR THE RIGHTS OF CHILDREN IN MALTA

'THERE SHALL BE A COMMISSIONER FOR CHILDREN WHO SHALL...PROMOTE AND ADVOCATE FOR THE RIGHTS AND INTEREST OF CHILDREN'

(Commissioner for Children Act, Articles 3 & 6)

'IN THE EXERCISE OF THE FUNCTIONS ESTABLISHED UNDER THIS ACT, THE COMMISSIONER SHALL ACT INDEPENDENTLY AND SHALL NOT BE SUBJECT TO THE DIRECTION OR CONTROL OF ANY PERSON OR AUTHORITY'

(Commissioner for Children Act, Article 4)

Activity Report

A new Commissioner takes office

Ms Pauline Miceli started her tenure as the new Commissioner for Children on 5th January, 2016.

On a technical level, like her predecessor, Ms Helen D'Amato, Ms Miceli brought to the Office a wealth of knowledge and experience in the key field of education, where she worked extensively both in a pedagogical and senior administrative capacity. Her professional activity at the levels of secondary and post-secondary schooling gave her a strong sense of the relevance of education to the world of work.

On a more interpersonal level, Ms Miceli has been actively engaged with the wider community as a broadcaster, where she produced and presented educational programmes targeting juvenile and adult audiences on TV and radio. As a writer, in which role she authored and published two story books for children and one book about women's issues. Close and constructive contact with the local populace was fostered by Ms Miceli while serving as councillor in the Naxxar Local Council, where she was responsible for educational services in the community and for the local library.

The Office takes on new staff

Also like her predecessor, the new Commissioner has made efforts to enhance her complement of support staff.

Ms Etta Mizzi started working within the Commissioner's Office in the second half of the year, taking ownership of a number of projects and tasks.

After several years of service to children within the Commissioner's Office, Ms Cynthia Sammut, a teacher by profession, moved on to a new occupation in the education sector.

Formal bureaucratic procedures were started for the recruitment of an Accounts and Administrative Officer on a full-time basis, a role that combines the two vacant roles of Office Secretary and Accounts Officer. This new role is expected to be filled in the course of 2017.

By the end of the year, the Commissioner's staff complement stood at seven full-time workers.

Council for Children

The law provides for the Commissioner to be advised and assisted by a Council for Children made up of a variety of experts and children.

For the year 2016, this advisory and auxiliary body to the Commissioner for Children was made up of the following members: Hon. Anthony Agius Decelis (Chairperson of the Parliamentary Social Affairs Committee); Ms Carmen Buttigieg (representing the Ministry for the Family and Social Solidarity); Dr Patrick Zahra (representing the Ministry of Health); Ms Elisabeth Pisani (representing the Ministry of Education and Employment); Dr Alexia Aquilina (representing the Ministry for Justice, Culture and Local Government); Ms Maria Abela (representing the Ministry for Home Affairs); and the following 5 young people: Liam Attard, Shelby Aquilina, Clarissa Friggieri, Christopher James Friggieri and Lionel Zerafa.

The Council, which met five times in the course of the year, one more than is required by law, helped the Commissioner, who chairs the Council, develop her work plans for the year.

The Task Manager within the Commissioner's Office, Ms Suzanne Garcia Imbernon, was secretary to the Council.

Child statistics

In order to enhance the monitoring function of the Commissioner's Office, work towards having a body of knowledge and information about the state of children in Malta that is as comprehensive, detailed, deep and up-to-date as possible, was started and sustained. To this end, an internal exercise aimed at scoping the relevant indicators in all dimensions of children's rights was conducted. To determine what data related to children's wellbeing is routinely collected, the Commissioner held preliminary meetings with the National Statistics Office.

Liaison and collaboration with NSO and other research bodies will continue in 2017.

eAdvocacy

The Commissioner's Office revamped its website, www.tfal.org.mt, with a view to making itself more accessible to the general public seeking information about children's rights and the role of the Office. Hence, apart from the change in graphics, the architecture of the new website is articulated in terms of the groups of people seeking information.

Work on the makeover of the website was carried out in collaboration with the Information Management Unit within the Ministry for the Family and Social Solidarity.



A freer and stronger hand

The Commissioner presented a proposal to the Secretariat of the Minister for Family and Social Solidarity for the Commissioner's Office to be endowed with legal personality through the appropriate changes to the Commissioner for Children Act. This proposal was justified on the grounds that it would give the Commissioner more leeway in her efforts to promote and protect the rights of children.

While urging Government to ratify the 3rd Optional Protocol to the Convention on the rights of the child, on a Communications Procedure, the Commissioner also recommended that her Office be given the powers and resources to function as a support structure for children or adults, acting on their behalf, to lodge formal complaints to the Committee for the Rights of the Child as per the Protocol.

Considerations and Concerns

Legal Personality

The law as quoted above endows the Commissioner with the freedom to act of his or her own accord without external pressure or interference. The same law, however, fails to give the Commissioner a structural form of independence, or the legal personality to be represented in any legal act or process. The end result of this lack of legal personality is that the Commissioner is unable, among other things, to apply for funding or to appear in court to promote and defend the rights of children.

While the rights of the child are what the Commissioner for Children is all about, these rights have little legal weight or standing in that they do not form part of any piece of domestic legislation. This means in essence that no redress for an alleged breach of a child's rights under the Convention can be sought. Thus there is a clear need for the Convention on the Rights of the Child to be transposed into Maltese Law under the Commissioner for Children Act, as has been recommended by this Office.

Doing so would also pave the way for Government to ratify the 3rd Optional Protocol to the Convention on a Communications Procedure in that it would enable a failed recourse from the Maltese justice system for an alleged violation of a child's rights to be brought to the attention of the Committee on the Rights of the Child through the intermediary of the Commissioner's Office.

2. CHILDREN HAVE RIGHTS

'IN ALL ACTIONS CONCERNING CHILDREN, WHETHER UNDERTAKEN BY PUBLIC OR PRIVATE SOCIAL WELFARE INSTITUTIONS, COURTS OF LAW, ADMINISTRATIVE AUTHORITIES OR LEGISLATIVE BODIES, THE BEST INTERESTS OF THE CHILD SHALL BE A PRIMARY CONSIDERATION.'

(UN CRC, Article 3)

Activity Report

World Children's Day

In order to spread awareness of children's rights, a new approach to celebrating World Children's Day, which falls on the 20th November, was adopted. To commemorate the day, the Commissioner's Office did not organise an event of its own but chose instead to encourage as many organisations working with and for children in Malta to mark the day through a special event held during the week leading up to it.

In the end, more than 50 schools and entities working with children organised a variety of activities, such as homework free day, special assemblies, healthy eating workshops, sports activities, games, crafts, discussions and activities embracing diversity. In addition, various local councils held events within their localities to commemorate this day.

A message from the Commissioner outlining the importance and significance of the day was disseminated and read out at the beginning of all events including before the start of official Premiere League and YFA (Youth Football Association) football matches scheduled for the weekend. The Office also distributed a 3 metre banner which was displayed throughout the events organised.

To further imbue these celebrations with meaning, the Commissioner's Office distributed a range of its educational materials to children across all schools.

Putting Children's Rights on the National Agenda

Riding on the wave of awareness created by World Children's Day, a meeting was held at the premises of the Commissioner's Office, in which the Minister for the Family and Social Solidarity, Hon. Dr Michael Farrugia, and members of the press, followed a presentation of the work undertaken by the Office in the course of the year and the work envisaged for the following year. The meeting was thus an opportunity for the Commissioner to convey her message to the Minister about the importance of the implementation of the all-encompassing National Children's Policy.



The Hon. Dr Michael Farrugia and Ms Pauline Miceli during the Ministers' visit to the Office

Children's Policy

Crowning years of direct involvement in the drafting and fine-tuning of Malta's first ever National Children's Policy, the Commissioner was at the forefront in launching a revised policy document for public consultation. In her intervention during the launch, Ms Miceli highlighted the frontline role her Office would have in monitoring the implementation of the policy.



Strategy on the Rights of the Child

The Commissioner Ms Pauline Miceli and Project Officer Mr Glen Gauci travelled to Sofia, Bulgaria to attend the launch of a new Council of Europe Strategy for the Rights of the Child. The conference that launched the strategy focused on the five priority areas of the strategy, namely equal opportunities; participation; a life free from violence; child-friendly justice; and the rights of the child in the digital environment.

Eurochild – A European Network

The Commissioner's Office was part of the General Assembly of Eurochild, a network of organisations and individuals working for and with children in and across Europe, including the Office, which lobbies EU institutions for a more child-friendly Europe. The Assembly, which was attended by the Policy Officer, Mr Nicholas Vella Laurenti, analysed and discussed how the human and financial resources at the disposal of the network could be increased and better utilised.

Chief among these resources are children themselves whose ability to advocate for their own rights was harnessed by Eurochild through an advisory group made up of children from across Europe that was set up to help in the planning of a conference organised by the network that would feature a strong presence and participation of children. Shelby Aquilina and Christopher James Friggieri, who had taken part in the CATS (Children as Actors in Transforming Society) Conference in 2015, formed part of this advisory group. The young people also participated in the conference and were accompanied by the Task Manager, Ms Suzanne Garcia Imbernon.

Children as promoters of solidarity

The Commissioner delivered an address during the launch of a joint initiative by the Central Bank of Malta and the Malta Community Chest Fund encouraging children to design a Euro coin on the related themes of solidarity and love. In her speech, the Commissioner praised the initiative for its high symbolic and practical value.

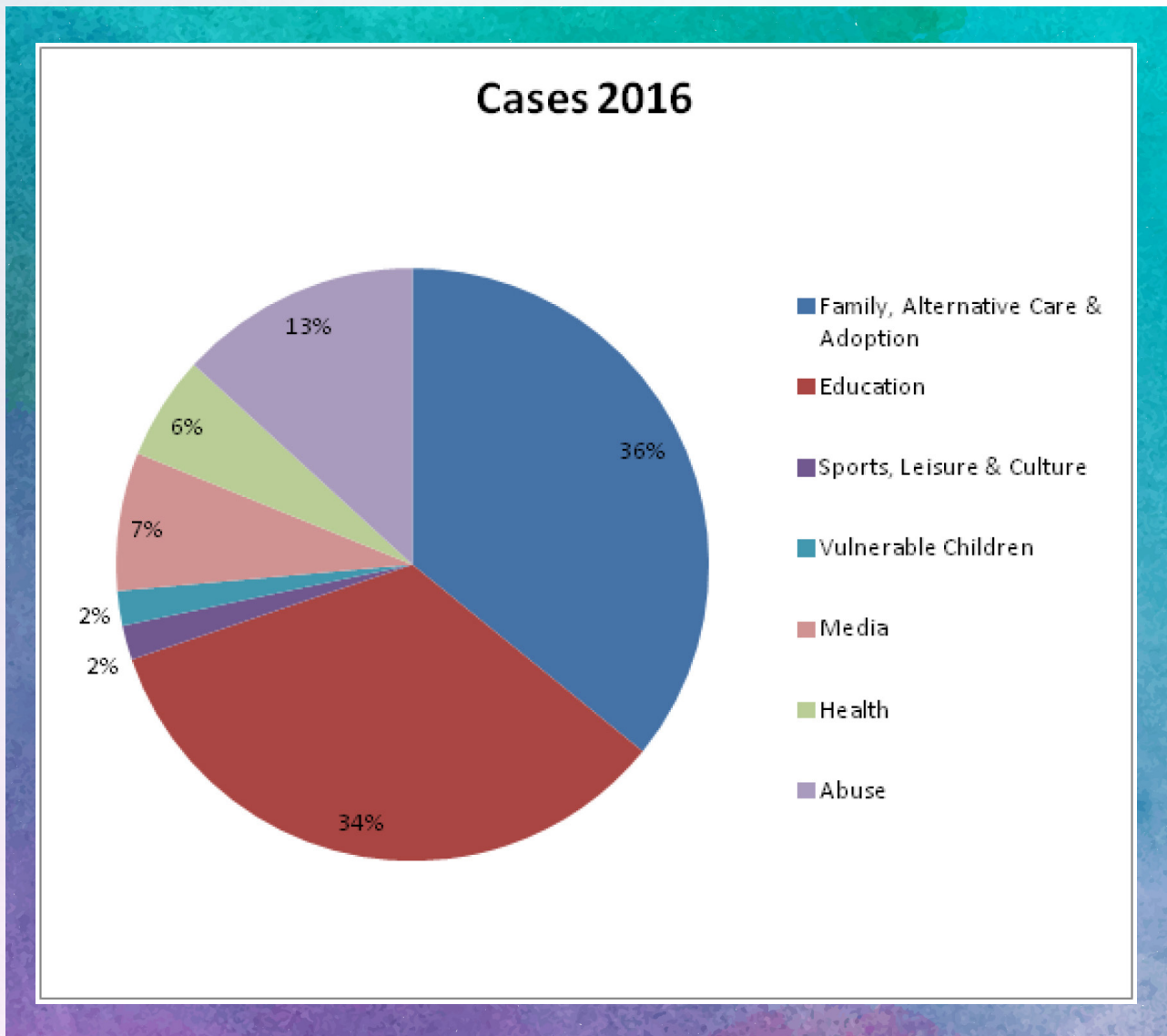
Commissioner's Prize

The Commissioner's Office invited schools to nominate children who had stood out for their active concern for the wellbeing and rights of their fellow students. The nominees were presented with book prizes by the Commissioner as rewards for their activism.

Casework

The Office received and followed up various complaints with regards to children's rights, relating mostly to family and educational issues. (see Fig. 1)

Fig. 1



Considerations and Concerns

Children's rights at national level

A holistic National Children's Policy is the best instrument for implementing the rights set out in the Convention. It is thus strange that there should be such a big time lag between Malta's ratification of the Convention in 1990 and the country's near publication of a National Children's Policy. The reason for this delay is down not so much to lack of political will to advance the wellbeing of children as to difficulty in drafting a policy whose scope cuts across the remits of many different ministries.

Now that this multisectoral task is being achieved, one hopes that the same spirit and method of collaboration between ministries will be manifested in the implementation of the Policy. The Commissioner's Office will have the role of a proactive monitor of the Policy's implementation by bringing all the responsible stakeholders together. As a result, the Commissioner will provide the Ministry with a periodic status report which may include recommendations for further implementation of the Policy.

Tools should be in place for the Ministry to measure the impact and effectiveness of the Policy.

3. THE RIGHT OF CHILDREN TO THEIR IDENTITY

STATES PARTIES UNDERTAKE TO RESPECT THE RIGHT OF THE CHILD TO PRESERVE HIS OR HER IDENTITY, INCLUDING NATIONALITY, NAME AND FAMILY RELATIONS AS RECOGNIZED BY LAW WITHOUT UNLAWFUL INTERFERENCE.

(UN CRC, Article 8)

Activity Report

Vote for 16 year olds

In 2015, the age threshold for voting in local council elections was lowered to sixteen years of age that is, to below the age of majority. This legislative move gave sixteen and seventeen year-olds arguably a stronger sense of identity in and with their localities.

An animated debate at national level took place during 2016 on whether this right should be extended to the National and European Parliamentary Elections. The Commissioner's Office weighed in into this debate through a public statement in the press in which it argued that there already were a host of rights and responsibilities that an individual could assume at age sixteen, such as acting as a trader and running a business; opening and operating a bank account; drawing up a will, and being held criminally responsible for any wrongdoing. Therefore having full voting rights was something sixteen and seventeen year-olds were ready for, provided that their education prepared them to shoulder this important responsibility by imparting the necessary knowledge and thinking skills.

Gender identity change in children: making it public vs publicising it

In a press statement, the Commissioner's Office spoke about the courage shown and the support received by Willa, a transgender child. At the same time, the Office cautioned against the over-exposure of the child whose story was instrumentalized during the controversy that still surrounds the issue of gender identity change in children.

Relationships with the extended family

The Commissioner's Office received numerous complaints from elderly people who lamented the infrequent contact they had with their grandchildren, as a result of conflict with or between the children's parents.

The Commissioner was also invited to speak on this issue and on the role of grandparents in the upbringing of children to a group of grandparents from the locality of Marsaskala. In her

address, the Commissioner underlined the uniquely important presence of grandparents in the lives of children. On the same issue, the Commissioner addressed a session held in Parliament organised by Nanniet Malta where a discussion was held on the relationships between children and their extended families.

Considerations and Concerns

Gender and sexual identity in children

Nowhere is the need to listen to children with an open mind more challenging to meet than it is in the case of children whose gender identity or sexual orientation is different from the statistical norm.

When children start to feel the incongruence between their outer self and their inner self in respect of these key dimensions of individual identity (scientific evidence suggests that children are conscious of these feelings at a young age), it is very important that they find friendly, understanding and non-judgmental support from their parents and, if need be, in professional therapists.

Unfortunately, prejudice in the form of the idea that the plurality of gender and sexual identity is nothing more than an ideology or cultural fad that masks the pathological and/or immoral nature of certain conditions or behaviours is still rife in our society. There is no doubt that the recently established legal frameworks, that have allowed people like Willa to harmonise their inner and outer gender identities and that are protecting children like her from any attempt to 'fix' their gender identities, have promoted greater tolerance of these personal realities. However, children will receive the help they really need only if there is indiscriminating acceptance of their identities within their closest social circles and beyond them without undue pressure.

Extended family identity

It is not at all speculative to interpret the reference to 'family relations' as an essential feature of the preservation of a child's identity in the above-captioned article of the Convention to encompass relations with relatives outside the nuclear family, such as aunts, uncles, cousins and grandparents.

It is important to stress that it should be the right of the child to maintain contact with grandparents and members of the immediate extended family and not the other way around. In the majority of cases grandparents offer their support and have a meaningful relationship with their grandchildren.

4. THE RIGHT OF CHILDREN TO BE CARED FOR

STATES PARTIES SHALL USE THEIR BEST EFFORTS TO ENSURE RECOGNITION OF THE PRINCIPLE THAT BOTH PARENTS HAVE COMMON RESPONSIBILITIES FOR THE UPBRINGING AND DEVELOPMENT OF THE CHILD. PARENTS OR, AS THE CASE MAY BE, LEGAL GUARDIANS, HAVE THE PRIMARY RESPONSIBILITY FOR THE UPBRINGING AND DEVELOPMENT OF THE CHILD. THE BEST INTERESTS OF THE CHILD WILL BE THEIR BASIC CONCERN.

(UN CRC, Article 18)

A CHILD TEMPORARILY OR PERMANENTLY DEPRIVED OF HIS OR HER FAMILY ENVIRONMENT, OR IN WHOSE OWN BEST INTERESTS CANNOT BE ALLOWED TO REMAIN IN THAT ENVIRONMENT, SHALL BE ENTITLED TO SPECIAL PROTECTION AND ASSISTANCE PROVIDED BY THE STATE.

(UN CRC, Article 20)

Activity Report

Bringing up children in a changing society

In a presentation to the Parliamentary Committee for Family Affairs, held on the 8th of March, the Commissioner spoke of the family as a microcosm of society and how changing economic, social and cultural conditions were affecting the upbringing of children. Ms Miceli stressed the need for family and child policy to adapt to and not try to counteract societal changes.

Positive parenting

In a bid to raise awareness among adults raising children about the need to adopt a positive style of parenting, the Commissioner's Office started work on an education campaign on the subject. Work was carried out in parallel on the three phases of the preparation for the campaign, namely the design and production of the adverts and their dissemination through various media channels.

Let Me Thrive – a research study on foster care

Understanding the reality of foster care by listening to those who have lived or are living it, be it as children in foster care, foster carers, birth parents, professionals or as policy-makers, is key to improving the service of foster care.

This was the simple rationale of a qualitative study commissioned by the Commissioner's Office during the tenure of the previous Commissioner and which was launched in the course of the year as a publication entitled *Let Me Thrive*. During the launch, the researchers, Dr Daniela Debono and Dr Marian Muscat Azzopardi explained how the study was conducted, what it revealed in terms of what makes or breaks foster care, and how the shortcomings unearthed by the study could be addressed at policy level. The Minister for the Family and Social Solidarity, Hon. Dr Michael Farrugia, praised the importance and timeliness of the study as a background to Government's plans for the sector.



Ms Pauline Miceli, Hon. Dr Michael Farrugia, Dr Daniela Debono and Dr Marian Muscat Azzopardi during the launch of Let me Thrive

Crossing the border of child wellbeing

Children who fall victim to parental child abduction and who are thus uprooted from their familiar environment and planted in a place that in many cases is alien and faraway, suffer a loss of identity.

The Commissioner's Office stressed this in a newspaper interview. The Commissioner called for stronger deterrents against these abductions, which should be considered as criminal offences even though they originate from conflicts between the parents.

The quick and effective resolution of cross-border family conflicts involving children was the subject of 'Malta IV', a conference attended by the Commissioner and Head of Office which was organised by the HCCF (Hague Conference on Private International Law).

Children caught up in marital relationship conflicts

Children are often caught in the bitterness of marital/relationship split-ups. The Commissioner warned against these behaviours while meeting with the Young Separated Support Group within Caritas, arguing that it was children, whom they loved dearly, who ended up being hurt and damaged most.

Domestic violence

Children are often the victims of domestic violence, even when the violence is not directed at them. This, in a nutshell, was the message conveyed by the Commissioner in her address to a group of stakeholders at a conference organised by the Commission on Domestic Violence to explore the effect of Domestic Violence on children. The Commissioner said that domestic violence deprives children of that serene and constructive family environment which is so vital to their wellbeing and development.

The Commissioner presented prizes to the young winners of an art competition on the theme of positive family environments.

Children of prisoners

The plight of children whose parent/s is/ are serving a jail term was the subject of two events. The Commissioner delivered a speech on the challenges facing this highly vulnerable group of children during a conference organised by the voluntary organisation, Mid-Dlam għad-Dawl, to launch the research study *Locked Out*. The findings of this in-depth study looked into the situation of the families of inmates in Malta. The Commissioner called for a holistic strategy that addresses the needs of these families and children.

The Head of Office, Dr Lorna Muscat and Task Manager, Ms Suzanne Garcia Imbernon attended a public lecture featuring speakers from Wales who gave an insight into the work done by corrective facilities in their country to help the children of prison inmates.



Considerations and Concerns

Changing the reality of foster care

The system of foster care in our country is in need of a general overhaul as a result of the experiences recounted in the research study Let Me Thrive commissioned by the Office.

The system needs to instil in all stakeholders a proper and shared understanding and acceptance of what fostering and being fostered means. The system also needs to be better able to facilitate the integration and reintegration of children in foster and birth families respectively. Stakeholders should strive to create a spirit of harmony and collaboration between foster carers and birth parents. The social services that support foster care need to be further centred around the needs and aspirations of the fostered child.

None of the above can be achieved without the necessary infrastructure and resources, namely an adequate number of social workers, and a revamped legal framework for children in care.

Progress has been achieved in respect of the latter through the Child Protection Bill which is expected to enter into force in 2017. The Office urges the Government to ensure that all the necessary structures are put in place as soon as possible. The guiding principles governing the new Bill should be centred around the best interests of the child, the voice of the child and the necessary support to birth and foster families.

Children visiting parent/s in prison

The Office stresses the need for children to be able to visit their parent/s in prison in a positive environment which is conducive to family relationships.

5. THE RIGHT OF CHILDREN TO EDUCATION

STATES PARTIES RECOGNIZE THE RIGHT OF THE CHILD TO EDUCATION, AND WITH A VIEW TO ACHIEVING THIS RIGHT PROGRESSIVELY AND ON THE BASIS OF EQUAL OPPORTUNITY...

(UN CRC, Article 28)

STATES PARTIES AGREE THAT THE EDUCATION OF THE CHILD SHALL BE DIRECTED TO:

- A. THE DEVELOPMENT OF THE CHILD'S PERSONALITY, TALENTS AND MENTAL AND PHYSICAL ABILITIES TO THEIR FULLEST POTENTIAL;**
- B. THE DEVELOPMENT OF RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND FOR THE PRINCIPLES ENSHRINED IN THE CHARTER OF THE UNITED NATIONS;**
- C. THE DEVELOPMENT OF RESPECT FOR THE CHILD'S PARENTS, HIS OR HER OWN CULTURAL IDENTITY, LANGUAGE AND VALUES, FOR THE NATIONAL VALUES OF THE COUNTRY IN WHICH THE CHILD IS LIVING, THE COUNTRY FROM WHICH HE OR SHE MAY ORIGINATE, AND FOR CIVILIZATIONS DIFFERENT FROM HIS OR HER OWN;**
- D. THE PREPARATION OF THE CHILD FOR RESPONSIBLE LIFE IN A FREE SOCIETY, IN THE SPIRIT OF UNDERSTANDING, PEACE, TOLERANCE, EQUALITY OF SEXES, AND FRIENDSHIP AMONG ALL PEOPLES, ETHNIC, NATIONAL AND RELIGIOUS GROUPS AND PERSONS OF INDIGENOUS ORIGIN;**
- E. THE DEVELOPMENT OF RESPECT FOR THE NATURAL ENVIRONMENT.**

(UN CRC, Article 29)

Equal education

This was the theme chosen by ENOC (European Network of Ombudspersons for Children) as its main focus area for the year. The network started out its work on this theme by holding a working seminar in Dublin, Ireland, in which its members, including the Commissioner's Office, agreed on the content and wording of a statement on the subject.

In order to ensure that children are given the platform to express themselves and share their ideas and experiences the Office participated in ENYA (European Network of Young Advisors) as coordinated by ENOC. Various initiatives were undertaken whereby a group of teenagers came together to discuss equal opportunities in education. As a result the children came up with a set of recommendations which were then filmed.



Together with videos from the other ENOC countries, this video and the joint statement drafted in Dublin were presented and endorsed respectively at the network's Annual Conference and General Assembly held in Vilnius, Lithuania. These two events, in which the Commissioner's Office was represented by the Commissioner and the Task Manager, delivered a series of recommendations on the theme.

Education Act

A revised Education Act was the subject of internal discussion and feedback conveyed by the Commissioner's Office to the education authorities. The Office endorsed the thrust of the proposed reform, which was to foster diversity in educational opportunities by according more autonomy to individual educational institutions, arguing that this brought education closer to the individual needs of children.

The Office recommended that more efforts need to be made in order to continue to reduce the number of early school leavers. It also strongly recommended that the voice of the child is given due weight in cases brought before the board for educational matters. The Office also stressed the importance of collaboration and coordination amongst all entities in the best interests of the child.

Early education

The Commissioner's Office supported the drive by the authorities to give a more educational dimension to child care centres by carrying out a review of the National Standards for Child Day

Care Facilities (2006). The Office submitted recommendations which include, among others, an update of the qualifications of supervisory and childcare workers as well as more rigorous security checks on all personnel working with children. Further recommendations include details on the physical environment of the facility as well as the need for continuous professional development in the field.

Environmental education

The love children have for the outdoors makes them natural champions of the environment. This was evident in two events which the Commissioner attended, namely the Ekoskola 6th Young People's Summit entitled 'We Care About Our Future' where the Commissioner urged children to keep up their environmental activism, and the launch of a video by Nature Trust featuring a message for a more protected environment by various schoolchildren to mark World Children's Day.



Ms Pauline Miceli, with some of the participants who attended the Ekoskola 6th Young People's Summit

Homeschooling

The Commissioner met with the Malta Homeschooling Association upon their request in order to discuss if and how homeschooling can be endorsed as an educational method that respects the child's right to education. The Commissioner listened to the arguments put forward by the Association and concurred that as long as there were strong guarantees in place for the quality of the education provided, a child's right to education could be adequately met through homeschooling.

Considerations and Concerns

School bags

Children are often made to carry school bags that are too heavy for their build. These bags tend to be overloaded with books that they would need to take home to do their homework. The assignment of homework should be planned in such a way as to reduce the load of books children need to carry. Furthermore, the educational benefit of homework should be properly examined so that the amount of homework that is given to children is not in excess of their learning needs.

School transport

The journey to and from school can often be a problematic one for a child since the way school transport is organised can make children travel along long-winded routes at ungodly hours of the morning. The organisation of school transport should be planned in a way that caters primarily for the needs of students. One hopes that the White Paper on the subject of school transport and school hours that was issued in 2015 will translate into concrete proposals in this direction.

Access and quality in education

Children should be intrinsically motivated to go to school and apply themselves to their education. For this to happen, schools must be able to instil in children the love of learning by making education relevant to them.

Unfortunately, the message that is conveyed to children tends to primarily focus on the importance of education to the future employment and career prospects of children. By nature, children do not envisage their future at all in such terms. Hence, they are willing to show diligence in their education only if they can experience the benefit and the joy of learning in the here and now, while they are children. This means that we need to instil in children the value of education as an end in itself.

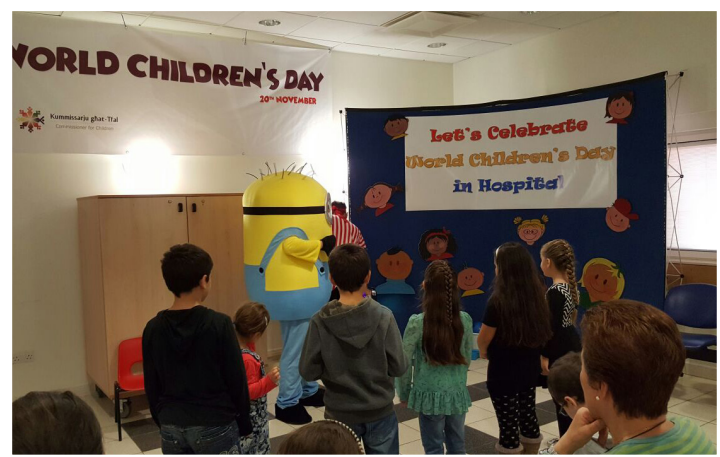
In Secondary schools, subject teachers should coordinate with each other in order to ensure that children are not overloaded with homework on one particular day. With regards to subjects such as ethics and religion the Office believes that not only should children not be given homework but they should not be tested as is the case with PSCD.



WORLD CHILDREN'S DAY



Kummissarju għat-Tfal
Commissioner for Children



CHILDREN'S DAY

20TH NOVEMBER



6. THE RIGHT OF CHILDREN TO HEALTH

STATES PARTIES RECOGNIZE THE RIGHT OF THE CHILD TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF HEALTH AND TO FACILITIES FOR THE TREATMENT OF ILLNESS AND REHABILITATION OF HEALTH. STATES PARTIES SHALL STRIVE TO ENSURE THAT NO CHILD IS DEPRIVED OF HIS OR HER RIGHT OF ACCESS TO SUCH HEALTH CARE SERVICES.

(UN CRC, Article 24)

Activity Report

Alcohol consumption

In reaction to the publication of the Draft National Alcohol Policy, the Commissioner's Office put forward a number of points with a view to enhancing the focus of the policy. These points centred around the need to prevent problems of alcohol dependency in children or their family members through appropriate laws, education and services.

In terms of laws, the Office recommended, among other things, enacting laws to "hold individuals who host social events on property they own in which alcohol is served legally liable for any consumption of alcohol by underage invitees". Regarding education, the Office called for a sharper focus in the Policy on instilling in children below the minimum legal drinking age (i.e. 17 years old) "the social and cultural values of responsible and judicious alcohol consumption". As far as services are concerned, the Office highlighted the need to "offer children alternative places of entertainment that are tailored to their needs and vulnerabilities."

Children in hospital

On World Children's day the Commissioner visited Children in hospital distributing games and resources relating to children's rights. Various other activities were also organised for the children and their relatives to celebrate this day.

During Christmas time, in the hope of putting a smile on the faces of children in hospital, the Commissioner visited the children's wards within Mater Dei Hospital where she met the children receiving inpatient medical treatment and gave them a Christmas present each. The Commissioner was accompanied by the Office's Mascot, Guginu.



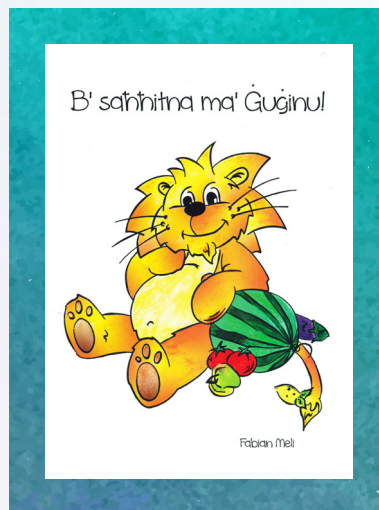
Commissioner for Children with members of staff at Mater Dei Hospital and the Office's Mascot Guginu.

The Commissioner also met with the representatives of the NGO Dr Klown in order to endorse their work with children in hospital in support of future collaboration between the two entities. The Commissioner participated in an awareness raising event organised by Dr Klown at Mater Dei Hospital.



Staying healthy

World Children's Day was an occasion for all children in Year 1 to receive a copy of B'Saħħitna ma' Ġuġinu, an educational resource produced by the Commissioner's Office that is centred around the theme of healthy eating and living.



Healthy relationship with food

Members of staff attended a one-day seminar organised by Dar Kenn għal Saħhtek to learn about how children who are directly or indirectly affected by eating disorders can be helped by this relatively new centre.

Road safety

On the occasion of World Children's Day, the Commissioner's Office joined the road safety educational campaign *Rispett fit-Triq* (Respect on the Road) spearheaded by Transport Malta to disseminate messages about how important it is for children travelling in cars to wear safety belts and how harmful second-hand smoking in cars can be to the health of child passengers. This initiative was facilitated by the Office's representation on the Road Safety Council, a body that brings together all relevant stakeholders. Meetings were held with Transport Malta where issues related to children's transport and other road issues were discussed.



Diabetes in children

The Office collaborated with Ms Claire Catanzaro, a paediatric nurse at Mater Dei Hospital, to produce an information leaflet for children with diabetes with the aim of helping them to learn how to manage their condition both medically and psychologically.

Mental health services

In order to take stock of the situation in mental health services for children, the Commissioner met with the Clinical Chairman for Psychiatric Services, Dr Anton Grech, who gave the Commissioner an overview of the needs and availabilities in the sector. Ms Miceli also visited the Youth Residence, previously known as the Young People's Unit, to observe directly how children with mental health issues were being cared for.

Considerations and Concerns

Addressing dependency in children

The problem of dependencies in children is a serious matter of concern since they are inherently vulnerable on account of their age and immaturity. Moreover children also suffer when they come from a family where there are dependencies which affect the quality of life of the family.

Whilst issues of dependencies are addressed in school through PSCD and other related subjects we must strive to ensure that awareness raising is continuous as well as to strengthen services offered to children. These services should be child-centred and accessible to all children in order to ensure their best interests. Services should also address parents/guardians of these children.

7. THE RIGHT OF CHILDREN TO SAFE AND BENEFICIAL MEDIA

STATES PARTIES RECOGNIZE THE IMPORTANT FUNCTION PERFORMED BY THE MASS MEDIA AND SHALL ENSURE THAT THE CHILD HAS ACCESS TO INFORMATION AND MATERIAL FROM A DIVERSITY OF NATIONAL AND INTERNATIONAL SOURCES, ESPECIALLY THOSE AIMED AT THE PROMOTION OF HIS OR HER SOCIAL, SPIRITUAL AND MORAL WELLBEING AND PHYSICAL AND MENTAL HEALTH.

(UN CRC, Article 17)

Activity Report

Children, polls and politics

Although children have limited voting rights, their presence in the media campaigns that precede and culminate in the popular vote is anything but marginal.

In a bid to set standards on how children can and should be involved in these campaigns, the Commissioner's Office initiated a standardisation process on the subject through the Malta Competition and Consumer Affairs Authority (MCCAA). The national standard, bearing the title 'The Participation of minors in political communication, election campaigns and referenda and all poll-related matters', is spearheaded by the Office of the Commissioner for Children and is being drafted by a Technical Committee led by MCCAA and composed of a number of stakeholders, including the Commissioner's Office, and should be completed in 2017.

A safer internet

Malta's Safer Internet Centre, better known as BeSmartOnline!, completed its third cycle of activity. This consisted of various initiatives aimed at raising more awareness among children, parents and educators on how children can make safe use of the internet. One such initiative was targeted to children in out-of-home care. The Office is committed to creating awareness amongst children in various ways, particularly through talks in schools.

Other initiatives, such as that launched to celebrate Safer Internet Day, focused on the need for better communication between children and their parents. To this end, a leaflet promoting such communication and the regulated and supervised use of the internet by children was circulated among all children in five different cohorts. This communication was also fostered through the parent/carer forum, for which the Commissioner's Office organised and chaired a meeting to discuss the latest challenges to online safety, and through talks for out-of-home carers that were held in parallel to the aforesaid initiative for children in out-of-home care. Various sessions were also held for parents/carers within the school setting.



Liam Attard, member of the Youth Panel and Ms Suzanne Garcia Imbernon, Task Manager, at the Safer Internet Forum

In the meantime, those operating Malta's Safer Internet Centre, including the Commissioner's Office, underwent ongoing training in the ever evolving nature and methodologies of internet safety. To this end, the Task Manager followed two training sessions organised by Insafe (the network which brings Safer Internet Centres from all over Europe together), whilst a young member of the Youth Panel, accompanied by the Task Manager, participated in the Safer Internet Forum, an international conference organised by the European Commission.

An application for a fresh cycle of activity by BeSmartOnline!, spanning a period of thirty months, was approved in the course of the year and commenced in September 2016

Think before you click!

A set of simple but powerful messages were broadcast several times a day for twenty weeks as part of a campaign that was coordinated by PBS, through Magic Radio, in collaboration with the Commissioner's Office, BeSmartOnline! and MSV Life. The short media messages aired on Magic Radio were designed to sensitise parents and carers to the importance of internet safety.



The internet of things

A request for comments from the press provided the Commissioner's Office with the opportunity to home in on the subject of internet safety in the context of online toys which connect to the internet. In its reply, the Office called for judicious use of these online tools for the education and leisure of children, particularly through a thorough reading of the Terms and Conditions and the careful sharing of personal information attached to their use in order to avoid falling prey to ill-intentioned people hiding behind the attractively crafted smokescreens of these online games and toys.

Children in the media

In a clearly worded statement, the Commissioner warned against the exploitation of children especially those in vulnerable situations, by the media with the intent of catalysing public attention and charity towards them. The damage that is done to the wellbeing of these children far outweighs the financial support that accrues from these well-intentioned media strategies. The Commissioner spoke out against the simplistic notion promoted by fund-raising campaigns that charity alone could solve the problems of vulnerable children.

Age appropriate films

The Commissioner's Office continued being represented on the Film Age-Classification Board, as a result of which it is ensured that children are able to view films which they can understand and draw educational and cultural benefit from.

Considerations and Concerns

Children and the media

It is quite astounding that a text as authoritative and widely quoted as the Convention on the Rights of the Child speaks about the receptive relationship of children to the media in terms of the content they have access to (see Article 17 quoted above) but is silent on their active participation in the media in terms of how they are portrayed in ads or programmes that are broadcast on radio or television. Some of the activity reported in this chapter of the Annual Report bears testimony to how harmful the wrong portrayal of children in the media can be and how much more needs to be done for children to be guaranteed the necessary protection when they are actively or passively participating in the media.

Television, and, to a lesser extent, radio are not just media of information but are, more crucially, powerful vehicles of entertainment. This means that they seek not so much to inform their audiences or viewers as to woo them and win them over to a given agenda. It is against this background that our legislative and educational efforts to protect children from manipulation by and through the media need to be set.

With the new technologies, children can not only access content online but can also create content. Therefore, the model underpinning Article 17, which accords to the State and mass media operators the role of protectors of children from inappropriate media content, is no longer relevant. Awareness raising needs to be ongoing in order to empower educators, parents and, most importantly the children themselves to ensure their protection online.

Learning how to navigate the ever expanding web of user-generated content safely and in a way which benefits one's development and wellbeing is the ultimate answer to the complex challenges of today's world.

More awareness needs to be raised regarding the sexualisation of children often by well intentioned parents/guardians. The internet is a platform which is accessible on a global level including those that are less well intentioned towards children.

8. THE RIGHT OF CHILDREN TO PLAY, LEISURE AND CREATIVITY

STATES PARTIES RECOGNIZE THE RIGHT OF THE CHILD TO REST AND LEISURE, TO ENGAGE IN PLAY AND RECREATIONAL ACTIVITIES APPROPRIATE TO THE AGE OF THE CHILD AND TO PARTICIPATE FREELY IN CULTURAL LIFE AND THE ARTS.

(UN CRC, Article 31)

Activity Report

Combat sports

The Technical Committee that had been set up under the stewardship of the Malta Competition and Consumer Affairs Authority (MCCAA) at the request of the Commissioner's Office finalised the draft entitled "Safety management systems – requirements for combat sports practised by minors in a ring". The draft standard will be launched for public consultation in early 2017 and should be published as a National Standard by the end of Spring 2017.

Although the requirements of the Standard will not be binding on operators of facilities or activities of combat sports for minors, it is believed that it will gradually bring about a positive change in the mindset and practices of all stakeholders in the sector.



The Commissioner for Children presenting Daniel Joseph Mercieca with his prize

World Children's Picture Contest

Daniel Joseph Mercieca received a prize, presented to him by the Commissioner, for a picture he had composed and presented in 2015 for the Annual World Children's Picture Contest organised by the IE-NO-HIKARI Association in Japan, for which picture the 6 year-old boy was given an Honourable Mention.

As part of the 2016 edition of this annual international competition, eight children living in Malta aged between 6 and 15 submitted their pictures on the broad theme of the Environment through the Commissioner's Office.

Free movement of children across football nurseries

The passage of children, 12 years and older, from one football nursery to another is in many cases hampered by the onus on one nursery to pay a compensation fee to another nursery. The parents of the child very often have to pay the fee to obtain their child's release from the club. The Commissioner's Office weighed in on this controversial subject through a statement in the press in which it said that the fee has the effect of impeding the exercise of the child's right to play, as stipulated by Article 30 of the Convention.

The Office also supported a petition set up by the Malta Football Players Association (MPFA) calling for the fee to be abolished. It also held meetings with the Malta Football Association (MFA) and the Youth Football Association (YFA) in a bid to foster an agreement on the need to break down this administrative barrier to the free exercise of the child's right to play.

Child-friendly urban areas

Ensuring that our localities are not only equipped with places where children can enjoy their rights to learn and to play but also that these places are safe and appropriate for children was a priority for this Office in 2016.

To this end, meetings were held with representatives of local governments in a bid to get stakeholders to share and adopt this focus and place it as high up on their executive agenda as possible.

To gain insight into what is happening overseas with regards to this subject, the Commissioner travelled to Ghent, Belgium to participate in the 8th International Conference & Networking Event of 'Child in the City', a network of individuals and non-governmental organisations united by a vision of putting children at the heart of urban planning.

Considerations and Concerns

Putting children at the heart of urban planning

Decisions on plans for urban developments are typically made following an Environment Impact Assessment. Although the remit of this assessment is not limited to the flora and fauna in the area but includes social and economic factors, the specific impact of an urban plan on the wellbeing of children living near the site of the plan is very often either ignored or not given the attention it deserves.

Putting children at the heart of urban planning requires carrying out a distinct assessment of the impact of a proposed development on children. Developing a sound methodology for such assessments and the recognised expertise to carry them out, and making the assessment a prerequisite for submitting a development application, is a policy proposal worth exploring and articulating in detail.

Development applications that are not conceived around the needs of children can at best be shown to have little or no impact on their wellbeing. Hence, on its own a Child Impact Assessment will fail to better the lot of children living in cities. This calls for strategic plans that define how a locality can be developed to include details on child-friendly urban places. The private sector as well as the public sector should then be encouraged to make plans to develop localities along these lines.

This requires a serious rethink of urban planning in Malta, which should serve first and foremost the needs of citizens, particularly children, who inhabit our towns and villages.

9. THE RIGHT OF CHILDREN TO THE PROTECTION AND PROMOTION OF THEIR DIGNITY

STATES PARTIES SHALL TAKE ALL APPROPRIATE LEGISLATIVE, ADMINISTRATIVE, SOCIAL AND EDUCATIONAL MEASURES TO PROTECT THE CHILD FROM ALL FORMS OF PHYSICAL OR MENTAL VIOLENCE, INJURY OR ABUSE, NEGLECT OR NEGLIGENT TREATMENT, MALTREATMENT OR EXPLOITATION, INCLUDING SEXUAL ABUSE, WHILE IN THE CARE OF PARENTS, LEGAL GUARDIANS OR ANY OTHER PERSON WHO HAS THE CARE OF THE CHILD.

(UN CRC, Article 19)

Activity Report



European Day on the protection of children against sexual exploitation and abuse – 18th November

To commemorate this day, which falls two days prior to World Children's Day, the Commissioner delivered a strong message through the media about the phenomenon of sexual abuse suffered by children often at the hands of people who should be responsible for promoting their wellbeing. The Commissioner also reminded all those who might be in the know of any abuse suffered by children of their moral obligation to report this abuse to the relevant authorities.

In order to create awareness about this day and to mark World Children's Day the Office distributed a copy of Kiko u l-Id, a Council of Europe Publication as part of the One in Five Campaign to stop sexual violence against children, to all children in Kinder 2. This story book, which was translated into Maltese by this Office, can be read directly to children by their parents/carers and teachers and comes with an insert addressed to parents and educators help children distinguish between acceptable and unacceptable behaviour.

Sexual activity by children

In a published reply to the press, the Commissioner's Office reiterated its stand against the sexual exploitation of children by adults, arguing that any sexual activity engaged in by an adult with a minor amounted to abuse whether this was consensual or not. At the same time, the Office warned against criminalising sexual activity between minors where the age difference is no more than a few years, and called for stronger and better efforts by parents and educators to help children discover their sexuality without unnecessary haste.

Child trafficking

The Council of Europe Experts on Action against Human Trafficking (GRETA), requested a meeting with the Commissioner for Children. The Commissioner spoke at length about issues related to migrant children, such as those who go missing, and of her intent to conduct research on this vulnerable subgroup of children in Malta.

Bullying in schools – the voice of the child

The Commissioner addressed the subject of bullying during the third international conference organized by the International European Anti-Bullying Network. In the spirit of listening to children's voices, Ms Miceli pointed out that both victims and bullies need support. A short video produced by the Gozo College, was presented. The children who produced the video talked about their work and answered questions from the floor.

Promoting dignity through positive relationships with others

This was the content and the process of Rights4u, an annual live-in organised by the Commissioner's Office that aims to facilitate self-discovery through meaningful interaction between children aged 13-15. This was held over two days at Manresa House in Gozo.



The Hon. Minister Dr Michael Farrugia and Ms Pauline Miceli with the Rights 4U participants

Helped by a team of professionals, the participants were encouraged to gain insight into what healthy positive relationships are made of, how to build them and how to realise when a relationship is unhealthy.

The live-in was opened by the Minister for the Family and Social Solidarity, Hon. Dr Michael Farrugia, the Commissioner and a representative from the HSBC Malta Foundation, which partly sponsored this initiative.

Considerations and Concerns

Child neglect

Child neglect is the wilful and repeated denial of a child's most basic needs, such as nourishment, medical and emotional care. Other needs, such as the need to play, are equally basic and denying them could be seen as abusive. Neglect is the main reason why children are placed in out-of-home care.

10. THE RIGHTS OF CHILDREN ON THE MOVE

STATES PARTIES SHALL TAKE APPROPRIATE MEASURES TO ENSURE THAT A CHILD WHO IS SEEKING REFUGEE STATUS OR WHO IS CONSIDERED A REFUGEE IN ACCORDANCE WITH APPLICABLE INTERNATIONAL OR DOMESTIC LAW AND PROCEDURES SHALL, WHETHER UNACCOMPANIED OR ACCOMPANIED BY HIS OR HER PARENTS OR BY ANY OTHER PERSON, RECEIVE APPROPRIATE PROTECTION AND HUMANITARIAN ASSISTANCE IN THE ENJOYMENT OF APPLICABLE RIGHTS SET FORTH IN THE PRESENT CONVENTION AND IN OTHER INTERNATIONAL HUMAN RIGHTS OR HUMANITARIAN INSTRUMENTS TO WHICH THE SAID STATES ARE PARTIES.

(UN CRC, Article 22)

Activity Report

Child migration

An EU event called the European Forum for the Rights of the Child was attended by Ms Etta Mizzi from the Office. The conference focused on issues of child migration and the challenges faced by migrant children in host societies.

Another conference dealing with child migration was jointly organised by ENOC and the Council of Europe where the Office, in its capacity as a member of ENOC, was represented by the Commissioner.

Mr Glen Gauci, Project Officer, participated in a meeting organised by the Ambassador of Italy to Malta, Giovanni Umberto De Vito and by Senator Vannino Chiti to discuss migration and youth exchanges with North Africa as a means of promoting intercultural understanding between the peoples affected by the migration phenomenon.

Child migrants in Malta

The Commissioner delivered a strong message about inclusion as a means of facilitating integration. This was the theme of a conference organised by the Maltese Association of The Sovereign Military Hospitaller Order of St John. Education emerged as the basis for the integration of foreign children in local communities.



The Commissioner for Children delivering her key note speech

In a statement to the press the Office called for the authorities to regularise the statutory position of migrant children who had managed to integrate in Maltese society. The Office called for the concession of citizenship to migrant children born and raised in Malta.

Celebrating diversity

The Office of the Commissioner supported the Gżira Local Council in promoting multiculturalism in their locality. A weeklong festival bearing the title of 'Social Integration through Sport and Culture' culminated in the celebration of World Children's Day with a host of activities for all the family. Members of staff from the Office distributed material about children's rights during the event.



Members of staff at the event organised by the Gzira Local Council

Research on migrant children

Knowing how foreign children living in Malta are actually faring in terms of their overall wellbeing is a necessary first step to meeting their needs.

To this end, the Office commissioned the Centre for Resilience and Socio-Emotional Health of the University of Malta to conduct a scientific study into the wellbeing and the access of services to children of foreign parents living in Malta. Hence, through a mix of research methods, the study will be investigating the subjective and objective wellbeing of children from the EU as well as child third-country nationals.

The study is expected to be completed in 2018.

Considerations and Concerns

Child migrants are children first

This simple principle should be at the heart of all policies and debates about the legal status and the rights of children who have come to Malta in an irregular way. In practical terms, this means that unaccompanied minors should have access to state fostering services, and that the parents of migrant children should have full access to state-provided services.

11. THE RIGHT OF CHILDREN TO CHILD-FRIENDLY JUSTICE

STATES PARTIES RECOGNIZE 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 FREEDOMS OF OTHERS AND WHICH TAKES INTO ACCOUNT THE CHILD'S AGE AND THE DESIRABILITY OF PROMOTING THE CHILD'S REINTEGRATION AND THE CHILD'S ASSUMING A CONSTRUCTIVE ROLE IN SOCIETY.

(UN CRC, Article 40, 1)

THE CHILD SHALL IN PARTICULAR BE PROVIDED THE OPPORTUNITY TO BE HEARD IN ANY JUDICIAL AND ADMINISTRATIVE PROCEEDINGS AFFECTING THE CHILD, EITHER DIRECTLY, OR THROUGH A REPRESENTATIVE OR AN APPROPRIATE BODY, IN A MANNER CONSISTENT WITH THE PROCEDURAL RULES OF NATIONAL LAW.

(UN CRC, Article 12)

A VARIETY OF DISPOSITIONS, SUCH AS CARE, GUIDANCE AND SUPERVISION ORDERS; COUNSELLING; PROBATION; FOSTER CARE; EDUCATION AND VOCATIONAL TRAINING PROGRAMMES AND OTHER ALTERNATIVES TO INSTITUTIONAL CARE SHALL BE AVAILABLE TO ENSURE THAT CHILDREN ARE DEALT WITH IN A MANNER APPROPRIATE TO THEIR WELLBEING AND PROPORTIONATE BOTH TO THEIR CIRCUMSTANCES AND THE OFFENCE.

(UN CRC, Article 40, 4)

Activity Report

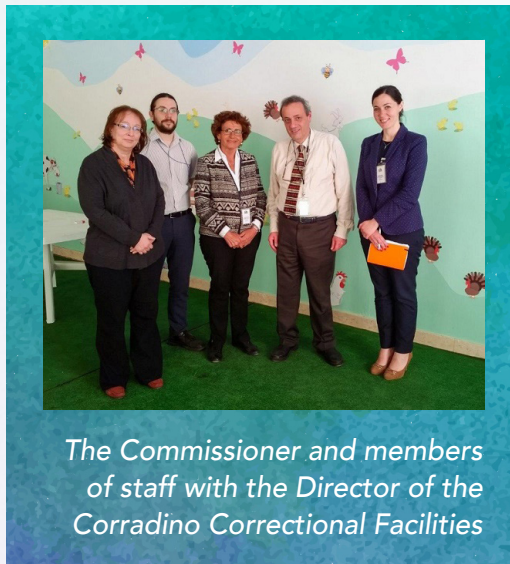
Child-friendly justice

The Office participated in an international conference organised by the President's Foundation for the Wellbeing of Society where the notion that the rights of children are guaranteed only through children's unfettered access to the justice system was discussed.

The Head of Office, Dr Lorna Muscat, also participated in a training seminar held under the auspices of the European Commission which covered similar thematic ground to the aforesaid conference but with a more practical bent in terms of how professionals on the ground can help children access and navigate the justice system.

Children and prison

The Commissioner and the legal representative of the Office participated in a conference in Brussels which centred around a Practical Guide for monitoring places where children are detained and the adequacy of conditions therein.



The Commissioner and some members of staff visited the Young Offenders Unit (YOURS) as well as the Corradino Correctional Facility (CCF) where meetings with the respective directors were held. The Commissioner encouraged the setting up of a children's room at CCF in order to create a family friendly space.

Observing juvenile justice

Keen on experiencing firsthand if and how the justice system works for children, the Commissioner attended various sittings of the Juvenile Court in a purely observational capacity.

Criminal responsibility

Criminal offences carried out by children below the age of criminal responsibility (14 years of age) resulted in a public debate. While acknowledging the situation and aware that career criminals may take advantage of the children's immunity and immaturity, the Office argued that children below this age could not be expected to have full consciousness of the moral and legal implications of their actions. The Office also called for specialised primary and secondary interventions to help them to develop into well-rounded law-abiding individuals.

Considerations and Concerns

Facilitating children's access to justice

The Office is currently working on transposing the United Nations Convention on the Rights of the Child (UNCRC) into Maltese Law. This would guarantee the rights and the voice of children throughout society.

It is the responsibility of the Commissioner for Children to raise awareness about the access to such rights. Proper structures for children to access justice such as a children's house for interviewing children and advocacy services need to be set up and adapted to the needs of the child.

CONCLUSION

The Commissioner for Children is an advocate and champion for the wellbeing of all children in Malta. Hence, the purpose of the Commissioner's work is not only to help improve the situation of children especially that of the most vulnerable children, but also to raise awareness about children's rights.

What is often missing in efforts to raise the level of protection and promotion of the wellbeing of children is not the resources to do this but the synergy between all stakeholders. This would ensure the best use of resources in the best interests of the child.

List of stakeholders the Office collaborated with throughout 2016:

Local

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|--|---|
| Aditus Foundation | Ministry for the Family and Social Solidarity |
| Aġenzija Appoġġ | Mount Carmel Authorities |
| Aġenzija Żgħażaġħ | Nanniet Malta |
| Association of Executive Secretaries for Local Government | National Statistics Office |
| Association of Local Councillors | Nature Trust |
| Caritas | Office of the Refugee Commissioner |
| Centre for Resilience and Socio-emotional Health – University of Malta | Psycho-social services – Education Department |
| Corradino Correctional Facility (CCF) | School Colleges |
| Cottonera Resource Centre | School of Art |
| Council for Children | Secretariat for Catholic Education |
| Directorate for Local Government | Senglea Local Council |
| Domestic Violence Unit | SportMalta |
| Dr Klown | St. Lucia Local Council |
| Education Officers, PSCD | Transport Malta |
| Emigrants Commission | Young Offenders Unit (YOURS) |
| Gżira Local Council | Youth Football Association (YFA) |
| Għarb Local Council | |
| Independent Schools | |
| Jean Antide Foundation | |
| Malta Communications Authority (MCA) | |
| Malta Football Association (MFA) | |
| Malta Competition & Consumer Affairs Authority (MCCAA) | |
| Malta Police Force | |
| Mater Dei Hospital (Paediatrics) | |
| Mellieha Local Council | |

Foreign

| |
|---|
| Council of Europe |
| Eurochild |
| European Network of Ombudspersons for children (ENOC) |
| European Antibullying Network (EAN) |
| Insafe |



16/18, Tower Promenade
St, Luċija, SLC 1019, Malta

Tel: +356 21 485180
Email: cfc@gov.mt
Website: www.tfal.org.mt