



Annual Report 2018

Office of the Commissioner for Children



Kummissarju għat-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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MESSAGE FROM THE COMMISSIONER

Pauline Miceli **Commissioner for Children**

I often marvel at how much we as a State and society do for children by way of care, education, health, leisure, culture and so much else. And yet it is paradoxical but true to say that children tend to be forgotten in that they are often not the starting point but the end point of what we do for them, when they should be both.

It is reassuring to see that this deep-rooted mindset is changing. One clear and recent sign of this change is the fact that our country has given itself a National Children's Policy, that is not a policy about education, not a policy about health, not a policy about this and that sector, but a policy for and about children, a policy to make all policies child-centred, child-focused and child-sensitive.

In shifting the focus off services onto children, there still is the danger of focusing not so much on children themselves as on our idea of them, our ideas as to what they need and what is good for them. No matter how selflessly we care for children, our ideas about children are limited by our individual values and views, which may not be totally in sync with what children need and the times they are living in.

This is not to say that what we as caring adults think and feel is unimportant. However, we do need to talk with rather than to children, that is to engage them in a continuous dialogue that reshapes our values and views as much as it reshapes theirs. This requires humility and patience on our part so as to allow children to feel free to speak their minds and enable us to take on board what they say.

This is why as the entity responsible for monitoring the implementation of the National Children's Policy, my Office has taken it upon itself to hear out children on what the Policy is and should be doing for them. The ensuing report describes the fruits of this work in terms of its process and outcome.

The need to work with rather than on children is also the reason why my Office has striven not only to give children a stronger voice but also to project their voices to all other stakeholders to make them more aware and sensitive to what children need and want. The Office's efforts to reach out to parents and educators as described in the ensuing pages of this report should be seen in this light.

I trust that while reading through this report you will come to the realisation that the key to building a world that is truly child-friendly is an ever closer involvement and participation of children in their own lives and in the shared lives of the groups and communities they form part of.



BACKGROUND & INTRODUCTION

1. The Rights of Children

The United Nations Convention on the Rights of the Child (UNCRC) is the document of reference for children's rights, not least because it has been adopted and subscribed to by the vast majority of the world's nations, including Malta.

The UNCRC lays out the fundamental rights of children, namely those rights that children have just by virtue of being children, or which all people should enjoy throughout their childhood (0-17 years). This means that the rights of children are not acquired but natural, hence they should be granted to children not conditionally upon some status which they may or may not have but universally and unconditionally.

2. A Commissioner for Children

The imperative nature of children's rights as enshrined in the UNCRC implies that there should be an entity with a clear mandate to ensure that the rights of all children are respected by all at all times.

It is in view of this need that in 2003, the Parliament of Malta legislated to set up the Office of the Commissioner for Children, endowing this figure with the independence, remit and powers to act for and with all children living in Malta.

Over the years, the Office has acquired increased human, financial and material resources to carry out its vast mandate. The Office's staff complement in 2018 stood at eight full-time workers, in September 2018, the Office teacher, Ms Henrietta Mizzi, decided to move on to another career path and a call for a Support Officer was issued. The Support Officer, Ms Anna Maria Debono, began working at the Office in October 2018. The budget allocation for 2018 was of €180,000 and covered some of the staff salaries, maintenance costs as well as projects and initiatives. Additional funds totaling €45,487 were transferred to the Office by the Ministry for the Family, Children's Rights and Social Solidarity, for the radio campaign 'Better Parenting – Better Childhood'. This campaign was aired on four popular local radio stations. Some of the funds were used for some of the resources which were distributed to schools to mark World Children's Day.

The way by which the Office of the Commissioner for Children strives to fulfil its mandate can be seen as a three-pronged process whereby the Office:

- acquires and imparts relevant and up-to-date skills and knowledge through:
 1. Training
 2. Research
- promotes the rights of children through:
 3. Awareness-raising
 4. Child Participation
- facilitates actions conducive to the rights of children through:
 5. Advocacy
 6. Monitoring

3. Annual Report

The present document charts the work of the Office of the Commissioner for Children in the course of 2018 on the basis of the above functions. In conclusion, the Annual Report revisits the work described in the preceding chapters highlighting areas of outstanding concern that form the basis of the Office's work in 2019 and beyond.

EXPANDING AND TRANSMITTING KNOWLEDGE OF CHILDREN'S RIGHTS – RESEARCH & TRAINING

Most professionals who work for and with children gather a lot of knowledge and experience, however do we ever really know enough about how children are doing?

In view of the ever changing demographics of children in Malta and the realities they face, the simple answer to either of these questions is bound to be: not enough. For this reason, the Office of the Commissioner for Children devotes substantial time and resources to expanding knowledge on children in Malta through scientific research, and to transmitting existing knowledge of children's rights through training programmes and seminars directed to those who are responsible for children's wellbeing.

The below is a thematic account of the Office's efforts in these fundamental aspects of child's rights advocacy.

Foreign Children Residing in Malta

'States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.' (UNCRC, Article 2)

In theory and principle, children's rights are universal, which means that children can carry them with them across national or cultural frontiers. But in reality and practice, foreign children residing in Malta will not necessarily enjoy their rights to the same extent as they did in their home country or as children born and raised in their host country.

In recent years, Malta experienced a heavy influx of children, from EU and third countries alike and through regular and

irregular migratory channels. Given the sheer number of these children, one cannot but ask whether these children are faring well in terms of their physical and social health.

In 2016, the Office decided to search for answers to this question by commissioning research from the Centre for Resilience and Socio-Emotional Health within the University of Malta. The study is a very wide-ranging one in terms of the number and diversity of both the children and families participating in it, the aspects of health and wellbeing investigated and the research methods employed.

By the end of 2018, the fieldwork for the study had reached an advanced stage, with preliminary findings suggesting that by and large foreign children living in Malta, especially those hailing from EU countries, are doing and thriving well. The research will be concluded and its findings published and disseminated in a national conference to be held on the 10th of April, 2019.

Measuring Children's Rights

'States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.' (UNCRC, Article 4)

The instruments and techniques we have at our disposal to measure the extent to which children are really enjoying their rights, is one of the most important and difficult issues. It is important because without a clear and up-to-date picture of how children are actually faring, public policy and advocacy for children are blind. It is difficult

because building such a picture requires the development of multiple indicators and research studies.

In order to learn more about the challenges in this area of children's rights, the Commissioner and Task Manager travelled to Brussels to participate in an international conference about **Measuring the Effectiveness of Children's Rights**, organised by the National Commission on the Rights of the Child - Belgium in collaboration with ChildONEurope, a European Network of National Observatories on Childhood. Among the challenges explored in this conference were the importance and difficulty of involving children in the collection of data, and those of different players in this field coordinating their efforts in order to maximise the efficient use of resources.

A passion for and knowledge of children's rights do not make a good children's rights advocate. These qualities, important as they are and extensive though they may be, need to be supplemented with a vision that enables a children's rights advocate to choose which issues to advocate for, to forge alliances with like-minded individuals or organisations, and to lobby and persuade the policy makers about the urgency and validity of the issues raised.

An example of this would be Eurochild, a European network that facilitates networking between individuals and organisations working with and for children in Europe, and is very well-positioned and active in advocating for children's rights with EU institutions.

The Office, which has been a full member of Eurochild for many years, participated in the network's **General Assembly and Members' Day** through its Policy Officer, who travelled

to Brussels for these two events. The latter presented and discussed Eurochild's ongoing drive to build its capacity for doing advocacy by enrolling new members, enhancing networks between existing members, and collaborating with other important actors in the field (e.g. Fundamental Rights Agency, United Nations Committee on the Rights of the Child), as well as its strategic foci for its next triennium of activity (2019-2021) that will see the network striving to eradicate child poverty and institutional care and to increase the weight of children's rights as a European political issue.

The Office also forms part of the European Network of Ombudspersons for Children (ENOC), a network which brings together independent children's rights institutions. Its mandate is to facilitate the promotion and protection of the rights of children, as formulated in the UNCRC. The Office is also very active in this Network and throughout 2018 formed part of a number of Working Groups within ENOC which focused on **Inter-Country Adoption, Children on the Move** and **Child Mental Health**.

In June 2018, ENOC organised a training seminar which was attended by the Commissioner Ms Pauline Miceli and the Office Task Manager Ms Suzanne Garcia Imbernon. The first day was dedicated to child mental health since it was the theme for the work carried out by ENOC in 2018. The second day of the training seminar was dedicated to the discussion of **methodologies and techniques to empower children's participation in all settings**. Ms Garcia Imbernon delivered a presentation on the involvement of children and youth in child rights advocacy.

Strengthening the position of children in cities

When discussing the physical aspect of the environment where children live, much of the focus is laid on the domestic sphere at the expense of the equally important sphere of the outdoor urban environment that children inhabit every day. The Convention uses the word environment only in connection with family and health. As a result, cities are often designed and built in a way that ignores the needs and desires of children in the community.

In order to enhance the knowledge and networks of the Office in this area, the Commissioner and the Project Officer, Mr Glen Gauci, travelled to Vienna to attend the **9th World Conference** organised by the Child in the City Foundation. Through the illustration of best practices of turning previously child-hostile urban environments into child-friendly ones, the conference highlighted the value of letting children have a real and practical say in the design and redesign of urban spaces as a means of making such spaces more liveable for everyone. The Office aims to work closely with key stakeholders including children themselves in order to carry out a project within the community with the aim of creating awareness about open spaces.

Child-friendly Justice

'...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.' (UNCRC, Article 12)

In terms of content, that is in the application of laws, judicial systems tend to be highly protective of children.

Through a collaboration between ELSA Malta, the Faculty of Laws and the Office, the Head of Office, Dr Lorna Muscat, delivered a presentation to law students at the University of Malta on child protection vis-à-vis child trafficking, whilst the students presented their group work on the same subject.

Professionals working in the judicial system are not naturally sensitive to the needs and sensibilities of children who interact with the system since their duty is above all to uphold the principles of justice. This approach can leave children feeling frightened, intimidated, or traumatised by the experience, even after a favourable judicial outcome.

In order to sensitise the Maltese Judiciary to the vulnerability of children and to the use of appropriate child interviewing techniques, the Office, in partnership with the Judicial Studies Committee, organised a training seminar on the 26th of October. The training was delivered by Dr Aisling Parkes, an international expert on the interface between children and the justice system, for members of the Maltese Judiciary. Through a number of stimulating presentations and workshops, the attending magistrates and judges reflected on the right of children involved in judicial proceedings to be heard and how their expressed views should be interpreted to serve their best interest and justice in the best possible manner. The seminar was attended by 36 members of the Judiciary including some foreign participants.

As a result of this training seminar, the Office felt the need for a set of guidelines to be drawn up, ensuring effective child participation in the Maltese justice system.

Another problem that militates against the practice and delivery of child-friendly justice is weak collaboration between different professionals working in the justice system. This problem was discussed in a conference entitled **Forensic Formulations in Child and Adolescent Abuse** and organised by the Emotional Stress Support (ESS) Team in collaboration with the Ministry of Family, Children's Rights and Social Solidarity. The conference, which was attended by the Commissioner and other members of staff, was a first in getting representatives together from the Judiciary, the Police, Advocates, Psychiatrists, Psychologists, Commissioners, Social Workers, other government officials, the managers of residential homes and a number of NGOs. The Commissioner delivered a presentation on preventing child abuse. The Commissioner stressed the importance of creating awareness amongst children about their rights as well as the need for further training of professionals working with children.



The Conference participants agreed on the need to train professionals from the social field in court work and to make the judicial process more child-centred by appointing a keyworker to follow the child and making systematic use of the Children's House.

Safe Use of the Internet

'The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.', '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.' and 'encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her wellbeing,...'. (UNCRC, Articles 13 & 17)

Internet use by children is arguably the newest and most dynamic field in children's rights. For this reason, knowledge must be disseminated widely and freely among and by people working in the field.

Considering that the internet is by its very nature a boundaryless and ever changing, expanding space, it is essential that national centres that work to ensure that children thrive while staying safe online share knowledge and experience between them in a constant and systematic way.

In view of the Office's partnership in BeSmartOnline!, Malta's Safer Internet Centre, the Task Manager travelled to Manchester to participate in a training meeting organised by Insafe, a European network of Safer Internet Centres.

The meeting presented and discussed some of the latest trends on the internet, notably the growing digitalization of human activity,

whereby licit and illicit activities, such as information, pornography and crime, are increasingly conducted online, and the use of new and established applications, such as **Tik Tok** and **Instagram**. The participants also learned how these trends could be harnessed so that children can benefit and/or be safe, such as by educating children to sift true from false content on the web.

More broadly, it is important for countries to share best practices in terms of anti-online abuse policy and legislation. The new focus of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse on **The protection of children against sexual exploitation and sexual abuse facilitated by ICTs** can be seen in this light. The Head of Office travelled to Strasbourg and The Hague to attend respectively the 21st and 22nd meetings of the Committee, during which meetings the aforesaid subject was high on the agenda. It was agreed that research would be carried out and guidelines developed on the protection of children in sports and well as implement child participation in the effective monitoring of the Lanzarote Convention in Member States.

In spite of the seeming ubiquity of the internet in children's lives, it is wrong to assume that all children have access to this powerful information and communication technology. So much so that the Malta Communications Authority in partnership with the Office and other stakeholders launched an educational project, dubbed Star Kids, that aims to bridge the physical and skills gap between ICT and children in out-of-home care with the help of the children's parents and caregivers.

Children in the Sidelines

'States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.' (UNCRC, Article 18)

The needs of children in families where parents or siblings are struck with a serious life-threatening illness, are often ignored. In such circumstances, children suffer the loss of a normal relationship with the ill relative, feel the stress of emergency arrangements that are put in place for their care, and may suffer from anxiety upon seeing a parent or a sibling fighting for his or her life.

The Karl Vella Foundation was set up to raise awareness and to ease the plight of children in these situations. Conferences, such as the one entitled **Left in the Sideline**, which the Commissioner and a member of staff participated in, called for more research about these children's needs.

Protection from all forms of violence

'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 parent(s), legal guardian(s) or any other person who has the care of the child.' (UNCRC, Article 19)

Protecting children from violence at the hands of those who are responsible for their care is one of the hardest and most important

things that a State Party to the Convention is called upon to do. Part of the difficulty lies in the weight of a legal and cultural tradition of parental authority which tacitly or explicitly condones the use of physical force as a means of disciplining children.

On the subject of corporal punishment, the Commissioner and a member of staff participated in a **High level Global Conference on the Universal Prohibition of Corporal Punishment**, held in Malta and organised by the President's Foundation for the Wellbeing of Society under the patronage of Her Excellency the President of Malta. The aim of this conference was to give fresh impetus to the drive to achieve a worldwide ban on corporal violence.

Children can suffer violence vicariously at home when they witness domestic violence, the impact of which is serious and lasting in view of children's sensitivity and vulnerability. The Commissioner attended the Annual Conference organised by the Commission on Domestic Violence, which was dedicated to discussing prevention as the first of four pillars in the fight against the phenomenon of domestic violence. During the conference, the Commissioner participated in a workshop focused on children as victims of domestic violence.

The United Nations, through its agency the World Health Organisation (WHO), sought structured information from its member countries, including Malta, on the institutional structures and processes deployed to prevent violence against children.

The Office contributed to the response submitted by Malta by participating in an informal working group coordinated by the Department of Health Information and Research within the Ministry of Health.

Out-of-Home Care

'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.' (UNCRC, Article 20)

The Office has been strong and consistent over the years in its advocacy for foster care as the alternative care model of choice for children. Far from harbouring a starry-eyed idealistic vision of foster care, the Office has been mindful of its pitfalls and complexities, so much so that in 2016 it published a qualitative study of the experiences of children who had been or were being fostered, which study shed light on what was and what was not working in the system of foster care.

The Commissioner had the opportunity to present the key findings of the study and the recommendations stemming therefrom in an article published in the official journal of the **International Association of Youth and Family Judges and Magistrates**. This article highlighted the role entrusted by law to the Office to foster the development of alternative care for children who need it. The article also highlighted that financial and human resources are essential to make provision for permanency planning.

The Office collaborated closely with the Ministry for the Family, Children's Rights and Social Solidarity and other relevant authorities in the revision of the **Child Protection (Alternative Care) Act**.

Children on the Move

'The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality

and. as far as possible, the right to know and be cared for by his or her parents. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.’ (UNCRC, Article 7)

A need which the phenomenon of irregular migration of children has placed on Malta which is often overlooked if not forgotten concerns the plight of those children who are born at sea to migrant women crossing the Mediterranean by boat, and who arrive in Malta stateless and unregistered.

The Commissioner had the opportunity to home in on this topic in her presentation to law students and in her interview by a student who was writing a university dissertation on the subject.

‘...States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.’ (UNCRC, Article 22)

Since the geography and patterns of migration are so vast, with migrants travelling thousands upon thousands of miles to reach a haven like Malta, advocacy for the rights

of children on the move requires an actor with an international remit and mandate. The United Nations High Commissioner for Refugees (UNHCR) is such an actor.

The Office welcomed the Representative in Malta for UNHCR, Mr Kahin Ismail, and members of his staff, on a courtesy visit to the Office premises, where the two sides discussed issues related to the welfare of child asylum seekers and possible avenues of cooperation between them.

Children with a disability

‘States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.’ (UNCRC, Article 23)

The first step towards affording special protection and care to disabled children is to identify them on the basis of as wide and inclusive a definition of disability in children as possible.

The Office shared information on the systems in place in Malta in this regard with its counterpart for Armenia upon a request for this information by the latter. In particular, the Office replied that children with a disability were registered as early as from birth according to whether they had physical, sensorial, intellectual, mental health or multiple disabilities.

The Office also held a meeting with Mr Oliver Scicluna, the Commissioner for the Rights of Persons with Disability in order to discuss the rights of children with a disability as well as to discuss further collaboration between the two entities. During the meeting different areas for research were also discussed.

The Office also held a meeting with a representative from the Parliamentary Secretariat for Persons with Disability and Active Ageing. During this meeting, certain issues raised by the UNCPRD (UN Convention on the Rights of Persons with Disabilities) Committee were discussed. The Office highlighted the work it carries out in this regard.

Teacher Training and Awareness

‘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.’ (UNCRC, Article 24)

Supporting children along their developmental pathway means helping them experience opportunities that come their way as challenges and equally the challenges they encounter as opportunities.

The Commissioner had the opportunity to put this message across in her address and presentation at a conference of the Enhancing Resilience through Teacher Education (ENRETE) project on the 12th of July, which was held at and organised by the University of Malta. In her interventions, the Commissioner stressed that for children to build resilience, the whole system of care and education of children must support and encourage them to be active not passive

participants in their own lives, particularly in their education.

The Commissioner also said that ‘Relationships play an important part in developing resilience. Children need a supportive and caring relationship with a significant adult who could be a parent/guardian, educator or any person they are able to trust – an adult who can nurture a growth mind set and help the child build a problem-solving toolkit. Listening to children is important but as adults we need to resist solving problems for them. Education for resilience building should be everybody’s concern.’ The Office also delivered a presentation during one of the workshops on children’s rights and resilience building.



Two members of staff underwent a four-day Mental Health Training Course organised by the Richmond Foundation, Malta. The course was designed to help trainees identify and support children who are experiencing a mental health problem, be this in its initial stages or already developed.

‘States Parties agree that the education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential;’ (UNCRC, Article 29)

"The mind is not a vessel to be filled, but a fire to be kindled." These timeless words of wisdom by Plutarch inspired a pre-recorded address by the Commissioner to an audience of pedagogues and educational experts that gathered for the 2018 International Conference Teacher Education and Educational Research in the Mediterranean, organised by the Faculty of Education within the University of Malta in collaboration with Malta Educational Research Association and Euro-Mediterranean Centre for Educational Research.

The Commissioner expressed the notion that the purpose of teacher education and

educational research should not only be to enhance the teacher's mastery of specific subject-matter but also, if not more so, to harness the teacher's ability to understand the psychology of child learners. The Commissioner also highlighted the need for teacher training to include awareness about children's rights in order to create more awareness about how children themselves can contribute positively to their learning and school experience. The Commissioner also stressed the need for the voice of children to be heard in the planning stage of the introduction of new services or measures to enhance children's learning experiences.



MAKING CHILDREN AND THOSE WHO CARE FOR THEM CONSCIOUS OF CHILDREN'S RIGHTS – AWARENESS-RAISING

Children cannot realize their rights unless they themselves and those who work with them in a paid or unpaid capacity take stock of and own these rights. This is why the Office invests many of its resources in making children and those who care for them, namely parents, caregivers and educators, conscious not only of the content of children's rights but also of the opportunities and challenges that exist out there in relation to these same rights.

The below is a thematic account of the Office's efforts in this fundamental aspect of child's rights advocacy.

Embryo Protection Act

'Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",' (UNCRC, Preamble)

In Malta, there is wide consensus that the rights of the child should be extended to the prenatal phase of the child's development. In view of this, the amendments to the Embryo Protection Act, which lifted the ban on the freezing of embryos and on gamete donation, raised many concerns as to whether the rights of the child in the prenatal phase would be respected under the amended law.

In a press release on the subject, the Office analysed the proposed legal amendments in terms of the three rights of the unborn child that would be impinged on, namely the right to life and health; the right to an identity; and the right to be brought up in a stable and loving environment. In its statement, the Office opined that the proposed amendments offered sufficient guarantees

against the violation of any of the said rights. The Office sounded a note of caution on the proposal to put unwanted embryos up for adoption, noting that the current legal and administrative systems of child adoption needed to be strengthened in order to guarantee the right to a stable and loving environment for all unborn children.

Children on the Move

'States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child.' (UNCRC, Article 6)

Children on the move should not be left in physical and legal limbo while potential host countries engage in endless political wrangling. This was the message which the Office relayed in a press release that was published on the 11th of June 2018 in the wake of the case of the rescue ship Aquarius, which was carrying among others 123 unaccompanied minors, 11 children and seven pregnant women who were stranded in international waters. The Office called on national governments to find an immediate humanitarian solution pending the resolution of their political differences. The Office continues to monitor the situation of children on the move and is collaborating with various key stakeholders in order to keep abreast of the arising challenges and to create more awareness.

World Children's Day

'States Parties shall assure to the child who is capable of forming his or her own views the right 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.' (UNCRC, Article 12)

Nothing about children without children.

Any plan to help children must involve children equally and actively in its drafting and its monitoring.

This was the message conveyed by the Commissioner when, on the 19th of November, marking **World Children's Day**, she launched, together with the Minister for Social Policy, Hon. Dr Michael Falzon, the **child-friendly version of the National Children's Policy**, which her Office had produced to enable children to understand and relate to the Policy. The Commissioner's words also served as an introduction to a series of workshops the Office was preparing to hold with a wide cross-section of children with a view to hearing from the principal stakeholders of the Policy what impact the latter was having and needed to have on their lives.



DOI Photo: Charles Zammit

In a press release the Office issued on this special day, the Office reiterated that "we should also ensure that children are provided with the appropriate channels to voice their opinion and influence decisions made within the family, school and community."

One such channel is suffrage, that is by not limiting the right to vote to adults but extending it to older children. The Office weighed in on the subject, endorsing the lowering of the age threshold for voting in

parliamentary elections to sixteen years of age and calling for a cross-curricular effort to educate children on the value of their vote so that the exercise of this right would be based on a conscious and informed decision.

Considering that World Children's Day is a day for all children, the Office was instrumental in encouraging and supporting schools to organise initiatives in commemoration of this important day. Over 70 Primary, Middle and Secondary State, Church and Independent Schools, responded positively to this call. The schools' initiatives included different activities promoting the rights of children. Various Local Councils also organised activities to commemorate this day. The Office also distributed a number of age appropriate publications to all schools in Malta and Gozo to promote children's rights and literacy.



Office Staff commemorating World Children's Day 2018.
Ms Suzanne Garcia Imbernon, Mr Glen Gauci, Dr Lorna Muscat,
Ms Pauline Miceli, Mr Nicholas Vella Laurenti and Ms Anna Maria Debono.

Safe Use of the Internet

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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.' and 'encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her wellbeing,...'. (UNCRC, Articles 13 & 17)

Efforts by national and international authorities to police the internet are just one half of what it takes for children to derive benefit and escape harm when they are online. The other half consists of efforts to raise awareness in children and those who care for them of the myriad and ever changing challenges and opportunities that exist in the virtual world.

In Malta, such efforts come together in BeSmartOnline! (BSO), the name of an EU co-funded and project-based collaboration between various stakeholders, including the Office, which is in its fourth cycle of activity.

BSO directs its awareness-raising initiatives to the public at large and to specific target groups especially children, parents/guardians and educators. In February 2018, the Office issued a press release to mark **Safer Internet Day** which was celebrated all over the world on the 6th of February and encouraged people to **Create, Connect and Share Respect Online**. There was a call for action for all stakeholders to play their part in creating not only a safer internet but a better internet, an internet where everyone is empowered to use technology responsibly, respectfully, critically and creatively.

Children and parents/guardians were the two main stakeholders on whom the Office focused its awareness-raising efforts through talks and the development and dissemination of various resources.

Meetings with children, held in schools, both curricular and extra-curricular (i.e. summer schools), and in the community, were aimed at making children aware of their digital rights. These meetings also specifically targeted vulnerable children, who tend to be exposed to the internet's risks more and to its opportunities less than other children. A poster on the topic of children's **digital rights** was developed and used to boost the reach and influence of the message. The Office also helped develop a big book on online safety, entitled **Ir-Rigal**, which it then distributed for **World Children's Day** to children in the last year of preschool.







Parents/guardians were reached in several ways, mainly through talks in the schools where their children attend or at their place of work through a company roadshow. It is often a challenge to reach parents therefore a company roadshow was organized in order to reach as many parents as possible at their place of work. Sessions were held in various law firms, financial services companies and other entities. Through these sessions other significant adults in the lives of children were reached.

The content of the awareness-raising initiatives consisted not only of bringing parents/guardians to a realisation of how their children's online behaviour posed a risk or benefit to their wellbeing but also of how adult online practices can affect children's safety. To this end, a flyer was developed and used to raise awareness of the phenomenon of 'sharenting', a newly coined portmanteau word that refers to the all too common tendency among parents to share content about their children online without thinking of the possible repercussions on their children. This flyer was distributed in over 30,000 households as part of the Safer Internet Day celebrations.



Children in the Public Eye

'No child shall be subjected to arbitrary or unlawful interference with his or her privacy,

family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.' (UNCRC, Article 16)

While children have a right to be active and visible in the public domain on issues that concern them, matters that are private and personal to them should remain so, irrespective of how much direct or indirect limelight their lives are exposed to. This was the stark admonition given by the Office in a press release that presented the Office's position on the right to privacy of children whose parents are prominent public figures, such as politicians.

Children's right to privacy holds even when and after children die tragically. In another press release issued in January 2018, the Office called on media operators and the general public not to speculate on the causes of death of a seven-year old girl but to wait for the outcomes of independent inquiries.

Better Parenting

'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.' (UNCRC, Article 18)

Even though parents love their children very dearly, they do not always express this love in a way that helps their children thrive.

The Office sought to remind parents of how they can do this through a series of short messages, such as "Children are great imitators. So let us give them something great to imitate", or "As parents, the best thing we can give a child is a few minutes of our time each day".

These and another 18 promotional messages were broadcast on a number of Maltese radio stations as part of a **Better Parenting – Better Childhood** campaign that ran for 13 weeks. These promotional messages were also promoted on the Office Facebook page and Instagram account as well as on popular local television programmes. The campaign was very successful and well received by the general public.



Spending quality time with children can be facilitated by attending family-friendly places or events. The Office gave its moral and practical support to the setting up of the website, **www.familytime.com**, that provides a platform for organisers of family-friendly activities to post their respective activity and for parents and children to get to know about the places or events they can go to for some fun family time.



The Commissioner for Children, Ms Pauline Miceli, speaking during the launch of the website www.familytime.com.

Protection from All Forms of Abuse

'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 parent(s), legal guardian(s) or any other person who has the care of the child.' (UNCRC, Article 19)

It is estimated that one in every five children in Europe suffers abuse, and that about one third of abused children do not speak up. Hence the importance of raising awareness among children of what constitutes abuse and where they can find help.



The Office sought to educate young children about the risk of sexual abuse by giving a copy of **Kiko and the Hand**, a Council of Europe publication translated into Maltese (Kiko u l-Id) by the Office in 2012, to every child in Kinder 1.

On the occasion of the **European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse** on the 18th November, the Office issued a press release calling for increased awareness, vigilance and responsibility by all organisations that work with children in respect of the phenomenon of child abuse. This year's message focused on the growing incidence of child abuse in organised settings where children practise some form of sport activity.

Another press release by the Office homed in on the subject of corporal punishment, denouncing it as degrading treatment of children which harms not only the children but also the relationship between children and their adult carers. In its statement, the Office called on parents, caregivers and educators to act as role models toward children by adopting more positive and humane disciplinary methods.

Health and Wellbeing

'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.' (UNCRC, Article 24)

Given the primacy of health as a basic condition for enjoying many other rights, it is vital to make children realize what their health is, how important it is and what they can do to nurture their own health and that of others.

In the light of modern day stressors that impinge on children's health, the Office chose to focus its efforts in this domain on mental health. To this end, it designed and published a leaflet called **Let's talk about Mental Health** which helps children identify and address mental health issues in themselves and others. The leaflet was distributed to all children in the seventh and eleventh year of compulsory schooling.



Children were also encouraged by the Office to spare a thought and a deed for their peers who are spending time in hospital by donating a new small packet of colours to a sick child in hospital. The packet of colours will be given to children in hospital together with a colouring book which will help to ease their experience.



The Commissioner for Children, Ms Pauline Miceli, at an activity organized by St. Aloysius College Primary School, to collect packets of colours for children in hospital.

The Office was actively represented on the Malta Road Safety Council, a multi-stakeholder body charged with raising public awareness on issues of road safety. Within the Council, the Office worked to convey the message that not only did children need to be more road-savvy but that roads also needed to be more child-friendly.

World Children's Picture Contest

'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...' (UNCRC, Article 31)

Children's fascination with the natural environment transcends all national boundaries and differences. This is why an international art contest like the **Annual World Children's Picture Contest**, organised for the 26th time by the **IE-NO-HIKARI Association** in Japan, has such a wide following and participation among children, including children in Malta, whom the Office invited to submit the products of their artistic inspirations on the theme of nature and human activity embedded in nature. The Office was also proud to present a certificate for **Honourable Mention** to 9-year old **Kirsten Bugeja**, a young participant in the previous edition of the contest.



The Commissioner for Children presenting Kirsten Bugeja, age 9, with his Honourable Mention Certificate.

Child Labour

'States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.' (UNCRC, Article 32)

The ultra-competitive knowledge-based society and economy in which we are living today requires children to attain a higher level of education and maturity than in the past before they can safely and fruitfully enter the world of work.

The Office made this point in a short press statement published in a daily to mark the **World Day against Child Labour**. In light of today's socioeconomic reality, the Office called on Government to strengthen initiatives to encourage all students to further their education and training after completing compulsory schooling.

Media Presence

The Commissioner and members of staff are often present in the media in order to create awareness amongst the public at large. In 2018, the Office participated in 15 Radio programmes and 10 TV programmes in which various issues were discussed including the role of the Office, the National Children's Policy, children's safe use of the internet, the need for open spaces, Vote 16 and out-of-home care.

LETTING CHILDREN HAVE A SAY AND A HAND IN ISSUES THAT CONCERN THEM - PARTICIPATION

Adult advocates for children's rights can be seen as being patronizing in thinking they know what is best for children. In children's rights advocacy, direct participation by children, where children are actively encouraged and supported to have a say and a hand in pushing forward the children's rights agenda, is ever more important.

The below is a thematic account of the Office's work in this crucial aspect of children's rights advocacy.

Child Protection Policy

'States Parties undertake to ensure the child such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.' (UNCRC, Article 3)

All organizations that work with children in any form or capacity should have in place a Child Protection Policy, detailing the possible risks to children posed by an organization's work with children and how these risks will be contained.

The Office, which provides a platform for children to participate in many of its activities, endowed itself with such a policy by adopting the **Child Protection Policy** formulated by Eurochild.

Commissioner's Prize

'States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.' (UNCRC, Article 4)

The Office encourages children of all ages to be advocates not only for their own rights but also for the rights of their peers. It does so in words but also in deeds, namely by awarding a book prize to those school children who stand out for their sensitivity and activism for the rights of other children, especially those who are more vulnerable. It is up to each and every school to nominate students for this prize.

Council for Children

'States Parties shall assure to the child who is capable of forming his or her own views the right 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.' (UNCRC, Article 12)

Participation is embedded in the law that constitutes the Office of the Commissioner for Children, which among other things provides for an advisory body to the Commissioner, known as a **Council for Children**. The Council consists of the Commissioner as Chairperson, the Chairperson of the Social Affairs Committee and other members nominated by the Ministers responsible for Health, Education, Home Affairs and Justice. The Council also has the right to co-opt seven other persons who, in the opinion of the Council, best represent children and the rights of children.', which 'persons shall, as far as possible, be children....'.

The child members of the Council: Desiree Agius, Cheyenne Baker, Andrij Chetcuti, Federica Coleiro, Valentina Stagno Navarra, which convened four times. The young Council members were nominated through the annual Rights 4U live-in to represent their peers on the Council. The Council discussed a variety of topics thus giving the children sitting on the Council the chance to voice their opinions and present their viewpoints as children to

the adult members of the Council and to the Commissioner, who chairs the Council.

Children have a lot to give by way of participation also at local level where their immediate everyday needs can be met. To this end, the Office supported the Local Councils of Hamrun and Siggiewi to set up sub-councils made up only of children, called Children's Councils, to advise the Council on the social and infrastructural needs and aspirations of the respective child population of the two localities.



The Commissioner for Children and the Mayor of the Siggiewi Local Council with the Siggiewi Children's Council.

Eurochild

Eurochild, a network of organizations and individuals across Europe working with and for children, is actively engaged in influencing EU lawmakers and executives to put children at the heart of EU decisions and decision-making. In finalizing its strategy for the years 2019-2021, Eurochild called on its member organizations to consult with children in their jurisdiction on the three principal advocacy objectives of the strategy, namely child poverty and social exclusion; child protection and family-based care; awareness of children's rights.

The Office, which is a member of the network, responded to this call by holding four workshops in which a total of 85

children aged between 10 and 14 and of mixed gender and geographical origin gave their views on the draft strategy and on what Eurochild could do more and better to capture and mainstream the views of children in its work.

In the main, the children agreed on the importance of the policy objectives prioritized in the draft Eurochild strategy but also identified other priority areas, such as the need for children to have more time and open spaces to play, more quality time with their parents, less homework, less heavy school bags and more comfortable uniforms. The children also called for more efforts to help children build enough confidence to air their views clearly and frankly to the policy-makers, to give children the opportunity to meet those who take political decisions on their behalf and to make children feel that their opinions matter.

The Office believes that it is very important to give children and young people a voice, even on a European level. To this end, the Office supported a member of its youth panel, Cheyenne Mangion, to form part of **Eurochild's Youth Advisory Group**. Cheyenne was very much involved in the organization of Eurochild's Biennial meeting. She attended a preparatory meeting in Opatija Croatia, where she met with the other young advisors, with whom she had been corresponding online. Cheyenne also attended the conference entitled **Building a better Europe with Children: All aboard!**



Cheyenne Mangion with Princess Laurentien of the Netherlands during the opening of the Eurochild Conference.

Cheyenne was supported by staff at the Office throughout her involvement with Eurochild, she was also supported by the College where she attended secondary school.

Rights 4U Live-in

'The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.', *'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.'* and *'encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her wellbeing,...'*. (UNCRC, Articles 13 & 17)

For today's generation of children, the internet is not simply a tool but a way of life. Creating an offline setting where children live together and discuss their online experiences is a great way to educate them and adults alike about the complex relationship between the internet and personal and social wellbeing.

The biannual **Rights 4U live-in**, held at the Archbishop's Seminary in Rabat and Manresa House in Gozo, was one such setting. Held as part of BeSmartOnline!, the live-in brought together 71 young people aged between 13 and 15 coming from State, Church and Independent Schools. These adolescents were encouraged to participate through school visits carried out by members of staff. The live-in focused on encouraging

young people to get to know each other, promoting team work and giving the young people the right space to share their ideas and experiences. Through discussion and interaction the young participants also learned more about their digital rights and to respect those of others online.

The Rights 4U programme also included the promotion of the positive use of ICT through a session on coding that was supported by the Malta Communications Authority.



Participants of the Rights 4U live-in that took place in Malta.

European Network of Young Advisors (ENYA)

'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.' (UNCRC, Article 24)

Even without being health literate, children know what brings peace and stability to their minds and what, conversely, sows mental unrest and distress. Encouraging children to reflect and express themselves on these questions in the light of their own personal and social experience has the effect of making children own their mental health and making adults aware of children's state of mind and the factors that produce them.

This is what **ENYA**, the European Network of Young Advisors to ENOC, the European Network of Ombudspersons for Children, set out to do. The Office was one of the member countries that participated in this initiative by working with a group of young people between the ages of 13 and 15 from different schools. Various sessions were held which gave the young people the space to discuss Child Mental Health and to put forward a set of recommendations. These recommendations were then presented at the ENYA Seminar bearing the title **Let's Talk Young, Let's Talk about MENTAL HEALTH**, which was held in Barcelona in June 2018.



Group of young participants.

This Seminar brought together two young advisors from ten European countries to pool and consolidate their thoughts on what various public sectors, namely Education, Health, Media, Government and Community, can do to help children be and feel mentally healthy.

This Seminar was moderated by the Task Manager, who also accompanied Malta's two young advisors, Martina Oliva and Kyle Borg.



Martina Oliva and Kyle Borg, young advisors.

By the end of the ENYA meeting, the young advisors formulated as many as forty-eight recommendations to present at the **ENOC Annual Conference** with a view to influencing the content of the official declaration that would be adopted at the **ENOC General Assembly**. One young person from each participating country attended the ENOC Annual Conference to present these recommendations. Kyle Borg together with the Commissioner for Children and Task Manager attended the Annual Conference.

In different ways, all the recommendations called on the aforementioned sectors to facilitate more openness in terms of awareness and access to services of mental health so that mental health problems are not obscured by stigma but discussed and addressed, both preventively and curatively, as early and thoroughly as possible.

Artistic Expression

'States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.' (UNCRC, Article 31)

The arts are an excellent medium for child participation in that every artistic expression by a child, even when it involves the rendition of a musical score, theatrical script or painterly subject, is a living testimony to the child's uniqueness as an individual.

This is why the Office decided to lend its patronage to the maiden edition of the **Charles Camilleri Music National Festival**, organized by the Music Department within the Ministry for Education and Employment. The festival consisted of a National Music Competition for children, the winners of which had the opportunity to perform to a live audience made up of children at the Manoel Theatre. The same audience was also regaled with four concerts for children, including a vocal choir concert that the children not only listened to but also sang along to. Teachers of music in the primary education sector formed the choir.

CALLING FOR AND CHECKING ON ACTION FOR CHILDREN – ADVOCACY & MONITORING

People in authority have the power to make a difference in children's lives with the choices they make in matters of laws, policies and the application thereof. Though they generally have the best interest of children at heart, the influence of other legitimate interests, which may not be completely in sync with the best interest of children and which may also have the backing of powerful lobby groups, poses the need for children's rights advocates to call for and monitor public actions that promote and safeguard the best interest of children.

In line with its legal mandate, the Office is very forthright and resolute in advocating for and monitoring action by authorities that is conducive to the wellbeing of children. Its work in this regard stems from its ongoing analysis of the legal and policy landscape of children's rights in Malta as well as from the complaints it receives on a daily basis from children and those who care for or about them regarding faults in the systems of provision, protection and participation vis-à-vis children.

In 2018, the Office received calls, emails and visits with regards to various issues concerning children. The Office responded to all valid and bona fide complaints by helping the complainants understand better and/or resolve their difficulties, often by liaising with the relevant service providers and/or by lobbying the relevant authorities. Most of the complaints received in 2018 were related to:

1. **Family/Out-of-Home Care**, including family separations, lack of agreement between parents, long court proceedings and lack of placements in foster-care or residential care;
2. **Education**, including bullying, shortage of Learning Support Educators and lack of adequate structures for children with a disability;

3. **Sports**, including registration issues, difficulty to change from one club to another, lack of supervision and children being exposed to inappropriate behavior of adults.

The below is a thematic account of this key aspect of children's rights advocacy conducted by the Office.

Standards

'States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.' (UNCRC, Article 3)

Standards regulating places where children are cared for are necessarily complex in their content and implementation. The Office liaised closely with the two bodies responsible for setting and enforcing quality standards in the social and education sectors respectively.

In the first case, the Office held a meeting with the CEO, Mr Matthew Vella, of the newly set up **Social Care Standards Authority** tasked with improving the quality and standards in social welfare services to protect and enhance the dignity, safety and welfare of all service users including children. During the meeting, discussions were held on how the two entities can collaborate further. It was also agreed that a Memorandum of Understanding would be signed in order to facilitate the sharing of information between the two entities.

In the second case, the Office met with Dr Jacqueline Vanhear, Director of the **Quality Assurance Department**, to touch base on the status of the standards regulating the activity of child day care centres.

Getting children to and from school in a safe and timely manner has always been a challenge in light of Malta's busy roads. The need for appropriate standards of time and safety has been felt more strongly with the introduction of free school transport and the consequent increase in the number of children who avail themselves of this service. The Commissioner wrote to the Minister for Education and Employment, Hon. Mr Evarist Bartolo, expressing her concerns as to whether the increased accessibility of organised school transport for children would be complemented by an improved quality thereof. In her letter, Ms Miceli lamented among other things the failure to guarantee supervision of children travelling to and from school under the new free school transport scheme. Another concern is the early pick-up and the late drop-off and collection of children.

In his reply, the Minister wrote that the safety of children was being safeguarded through enhanced checks on the roadworthiness of the vehicles used and the conduct of the drivers operating the scheme. The Minister suggested that further improvements in this regard would be made in due course.

National Children's Policy

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. (UNCRC, Article 4)

Malta's first ever **National Children's Policy**, published in late 2017, articulates a broad holistic vision of wellbeing for all children wherein the various dimensions of children's wellbeing are clearly mapped out. The role of the Office, as the monitoring body for the implementation of the seven-year policy, is to define where as a country we stand in

terms of the policy's objectives. Also in terms of concrete actions, progress is going to be made. Finally, whether progress is actually being made vis-à-vis the implementation and impact of the actions identified.

The Office's work was focused on the first two parts of its monitoring role. To help it carry out this role, the Office got on board representatives of the key ministerial stakeholders within a **National Children's Policy Monitoring Board** chaired by the Commissioner. Various meetings were held with individual stakeholders as well as the Board as a whole.

Many State, Church and Independent Schools responded to an invitation sent by the Office to involve children in the discussion and monitoring of the Policy. Members of staff from the Office visited over **25 schools** and held workshops with children of different ages. The Children were also presented with a copy of the child-friendly version of the Policy entitled **The Mystery Box and the Adventure to the Five Lands**.



Workshop held with year 6 students at our Lady Immaculate.

Among the points repeatedly raised by the children were the need for: more quality time with parents through more flexible working conditions and open spaces for families; a reduction of homework; more frequent lessons of Physical Education; lighter schoolbags through use of lockers

even in primary schools; sporty non-formal school attire; clean playgrounds with age appropriate playing equipment; a cleaner and greener urban environment through the installation of more bins and the planting of more trees and plants even in schools.

Putting Children's Rights on the Agenda

'States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.' (UNCRC, Article 5)

That the family is a key concern of public policy is attested to by the fact that it is a big part of the name and remit of the Ministry responsible for social policy. The addition of 'Children's Rights' to the name of the same Ministry that marked the start of the current legislature is a clear indication that the rights of children, while concentric with the best interests of the families in which they are raised, are given due importance and prominence.

The Commissioner harped on the complementarity and distinctness of children's and family rights in her address at the **National Family Conference** organized by the Ministry for the Family, Children's Rights and Social Solidarity to celebrate the **International Day of Families**. The Commissioner spoke on the need to sustain families in all their different forms as the best way to promote the wellbeing and healthy development of children and to ensure that adequate structure, services and processes were in place to guarantee the rights of those children who could not thrive within their natural families.

Positive Parenting

'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.' (UNCRC, Article 18)

Although the duties of parents towards their children are enshrined in law, the need is felt to promote knowledge and observance of this legal responsibility among all actual, expectant and potential parents of children through a complex of coordinated actions and services. The publication of a **National Strategic Policy on Positive Parenting** was the first step towards meeting this need. The second step was the setting up of a **Task Force** to steer the phased implementation of the Policy.

The Commissioner forms part of this Task Force and she participated in various meetings and internal communications. The group presented a report on the work carried out by the Task Force to the Minister for Family, Children's Rights and Solidarity, Hon. Dr Michael Falzon.

Residential Care

'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. States Parties shall in accordance with their national laws ensure alternative care for such a child.' (UNCRC, Article 20)

For a children's rights advocate, visiting a place where children are cared for is an opportunity to learn more about the needs of the children and to engage in a constructive dialogue with those who run such places about how children can receive the best possible care.

To this end, the Office visited various centres where children receive residential care. These comprised residential homes for children in the community, namely **Fejda, Jeanne Antide, Dar Frate Jacoba** and other small family units run by **Aġenzija Appoġġ**; the **Young People's Unit** at Mount Carmel Hospital, which caters for children suffering with problems of mental health. The Office is aware of the lack of placements for children who can no longer live with their biological parents or guardians and calls for the planning and creation of appropriate placements preferably in foster care.

Two centres for migrant children, that is the **Initial Reception Centre** and the **Hal-Far Open Centre**, both run by the Agency for the Welfare of Asylum Seekers (AWAS) were also visited.

In all these visits, the Commissioner was able to observe and discuss with the children, the workers and the management the extent to which these care structures were providing an environment where children could thrive. The Commissioner made various recommendations with regards to the centres for migrant children which were taken on board by the relevant authorities.

Inter-country Adoption

'States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration...' (UNCRC, Article 21)

The process of inter-country adoption of children may seem a safe route for children's whose right to an enabling familial environment cannot be met in their home country. The movement of adopted children across national confines is carefully planned and children are matched with their prospective adoptive parents. However, countries should continue to strive to safeguard the rights and best interests of the children adopted.

The Office, within the network of its European counterparts, ENOC, called on all States to adopt the principle of the primacy of the best interests of the child as the guiding principle in how they manage inter-country adoption, both individually and collaboratively, be it as receiving or sending countries. In its position statement signed at the General Assembly, ENOC called on States to take stock of and adapt their systems and processes to the 'changing landscape' of inter-country adoption, namely the fact that nowadays the majority of children put up for inter-country adoption have at least one living parent and/or have special needs. The Office brought the statement to the attention of the Social Care Standards Authority, which regulates adoption in and to Malta.

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.' (UNCRC, Article 22)

Every year, thousands of children make their way precariously to Europe from other continents and regions of the world in search of a better life, that is in search of those rights that were denied back home. Unfortunately, Europe has not always responded to these children's search with the same level of moral and practical commitment to the rights of the child as it has consistently shown in respect of children who are born and raised within its internal and external confines.

For this reason, at the ENOC General Assembly, the Office joined the other members of ENOC in reiterating their joint call on all institutional players in Europe and beyond to work together, not against one another, in order to facilitate, not frustrate, the movement, both physical (their journey) and psychosocial (their complete integration in host countries) of children to and within Europe. The network position statement emphasized the need for renewed efforts to ease access of children on the move to the education system and for the system to provide a more holistic and tailored response to the social and educational needs of these children.

Health and Wellbeing

'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.' (UNCRC, Article 24)

In entreating the people in power to take action, the Office may join forces with its European counterparts and pitch its advocacy at a European or European Union level in order to give a more international dimension to the children's rights advocated for.

The Office did this when it added its vision and voice to the call made by ENOC on European national governments and supranational institutions to pay more attention to and prioritise action for the enhancement of the mental health of children as a necessary condition for their healthy development. In its position statement agreed and signed by all members of ENOC at the ENOC General Assembly, the network listed a number of recommendations, which included the recommendations made by ENYA, urging European powers to favour the mental health of children by using all the tools at their disposal, namely legislation, policy, strategy and standards, to produce a holistic response to the mental health concerns faced by children in today's world. The Office brought the statement to the attention of the Commissioner for Mental Health.



Ms Pauline Miceli, Ms Suzanne Garcia Imbernon and Kyle Borg at the ENOC Annual Conference.

Concerns are often raised about the impact of school-related stressors on children. One such concern is the phenomenon of school bags that are too heavy in relation to a child's body weight and strength.

The Office weighed in on this concern by submitting its feedback on a **Draft Heavy School Bags Policy** issued by the Ministry for Education and Employment. In its feedback, the Office called for the problem of heavy schoolbags to be framed and addressed around the need to dispense with items that make schoolbags heavy, such as by favouring the use of electronic educational materials over paperback ones; to minimise the weight of schoolbags by favouring the production and selection of lightweight educational materials; and to manage schoolbags through among other things raising more awareness among children, parents and teachers of why and how to administer educational and school-related materials in such a way that children carry only what they need on a particular day to and from school.

Sports

‘States Parties agree that the education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential;...’ and ‘recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child...’ (UNCRC, Articles 29 & 31)

Children practise sports both in a formal setting, whereby they enrol in a club to train and compete in a particular sport, and in an informal way with family and friends for a makeshift game of some sport, typically football. There is consensus that the former way of doing sports has become too rigid, with children sometimes unable to change club without compensation fees being paid for their release when they need to or want to.

The Office met with the Parliamentary Secretary for Youths, Sports and Voluntary Organisations, the Hon. Dr Clifton Grima, to discuss how the rules of registration with

sports clubs could be relaxed and how public sports facilities could be utilised for non-formal sports activities. In terms of the latter concern, Dr Grima said that this was addressed in the **National Policy for Sport in Malta & Gozo**, which contains a section on so-called leisure sport.

Drugs

‘States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.’ (UNCRC, Article 33)

Owing to their age and developmental immaturity, children are particularly vulnerable to the incidence and effects of experimenting and drugs. Hence the need for preventive measures and support structures.

The Office held meetings with the Hon. Julia Farrugia Portelli, Parliamentary Secretary for Reforms, Citizenship and Simplification of Administrative Processes regarding Government’s plans to legalise the recreational use of cannabis, in which the Office sought reassurances that the legislative changes would not apply to children, while reiterating its belief that children caught making use of joints and other ‘light’ drugs should not face justice in any way but should be immediately channelled through social services to receive the help they need.

The Office also met with Caritas to learn more about plans to set up a drug rehab centre exclusively for minors and about the status of implementation of these plans and to highlight the dire and urgent need for such a centre.

Child Early and Forced Marriage (CEFM)

Although the UNCRC is silent on CEFM, which victimises mostly girl children, it is nevertheless widely recognised, even by the United Nations, as a practice that is detrimental to the best interest of the child inasmuch as it can stunt the personal and educational development of children and exposes them to the risk of exploitation and abuse.

The Office responded to a request for feedback from the UN on the issue saying that while Malta's legal framework with respect to marriage offered reasonable protection from the phenomenon of CEFM, there was uncertainty as to whether this protection extended to children from ethnic and religious minorities where there is more cultural acceptance of the practice and possibly laxer rules on the formation of marital unions. The Office is also involved in continuous discussions with various stakeholders on this issue.

SUMMING UP A YEAR OF CHILDREN'S RIGHTS ACTIVITY – RECOMMENDATIONS

Based on the work conducted by the Office as reported in the preceding chapters, the Office puts forward the following recommendations for the attention of the relevant authorities and as a basis for its work in 2019:

1. General

- Set up a National **Observatory for Children's Rights** that has the human and infrastructural capacity to collect, consolidate and interpret data about how children in Malta are faring in all aspects of their wellbeing.
- Ensure that all data on children is disaggregated by gender and nationality of children so that the wellbeing of all children can be continuously monitored.
- Set up a **Department for Children** within the Ministry for the Family, Children's Rights and Social Solidarity whose role would be to steer and coordinate child policy across all sectors and Ministries, and to elicit and take on board children's feedback in a continuous and structured fashion.
- Amend the **Commissioner for Children Act** to endow the Office of the Commissioner for Children with more powers and autonomy to fulfil its legal mandate.
- Make the Convention a tool for children by incorporating it into Maltese law and establishing a Communications Procedure through the ratification and implementation of the **3rd Optional Protocol to the Convention**.

2. Provision

- Adopt a policy whereby all minors, including their families, who are stranded at sea are immediately brought ashore in those cases where Malta is the closest safe port.
- Strengthen outreach to parents who are experiencing difficulties in the upbringing of their children.

- Accelerate the passage into law and coming into force of the **Child Protection (Alternative Care) Act**.
- Ensure that the **National Standards on Out-of-Home Care** are mandatory on all out-of-home care structures or arrangements, including those where unaccompanied minors receive residential care.
- Need for the long overdue **National Minimum Qualification Standards** for frontline care givers working in residential care. This is crucial for the necessary specialised upbringing.
- Lobby for the EU to establish and adopt binding standards on inter-country adoption that are premised on the principle of the best interests of the child in order to streamline practices across member states and enable the EU to exert political pressure on third countries to harmonize their own standards with those of the EU.
- Develop and implement **guidelines on child-friendly justice** for members of the Judiciary.
- Make education less content-based and more process/learning-based so that children acquire the skills, ability and love of learning.
- Strengthen ICT education in all schools for all ages with a view to making children better able to manage the risks and opportunities of the new technologies.
- Enhance teacher training on mental health and resilience in children, such as by mainstreaming the **Mental Health Training Course** developed by the Richmond Foundation in teacher formation and in-service training. The Office also recommends that such training should be offered to all children.
- Ensure that all children at all levels of schooling receive a holistic sex education.
- Provide support to all families and children facing difficulties in accessing education.

- Put in place the necessary legislative changes and a robust plan of action to encourage all students to further their education and training after completing compulsory school age.
- Step up the focus on children and implementation of the **Migrant Integration Strategy & Action Plan**.
- Ensure access to education and other services for children of third country nationals.
- Make Sports more accessible to children, primarily from a leisure perspective as a means in itself of rather than a distraction. Subsequently create better structures which can support children who excel in sports to continue building on their talents.
- Open the use of public sport facilities to non-formal sports activity.
- The creation of pedestrian zones in towns and villages to promote walking and facilitate free play.

3. Protection

- Ensure that all licensed schools and voluntary organisation that work with children are required to have internal child protection policies.
- Remove the concept of 'reasonable chastisement' from the Civil Code so that corporal punishment is completely prohibited.
- Recognize and address the needs of children facing serious illness in their family.

- Develop guidelines on the protection of children in sports.
- Ensure there is adequate supervision on all vans and coaches that transport children to and from school.
- Update the **National Drugs Policy** with an increased focus on children including the provision of specialized prevention and treatment programmes and services.
- Amend the **Civil Code** in order for the paternity of young fathers, under the age of 18, to be recognized.
- Amend the provisions of the **Acts of Birth in the Civil Code** with regards to registering the biological father of a child and not the person a mother is legally married to or hasn't been legally separated/divorced/annulled from for the stipulated time.

4. Participation

- Strengthen civic education in all years of compulsory schooling so that children make informed decisions when they come of voting age.
- Facilitate the participation of children in formal and informal voluntary work.
- Encourage all local councils to set up **Children's Councils** so that the voice of children in the planning and embellishment of localities is heard and heeded.
- Make child participation mandatory by law for children to be involved in all decisions that affect them.

CONCLUSION

The list of recommendations is obviously not exhaustive of all that is required to work towards a state of affairs where all children enjoy all their rights to the full. In taking stock of the bigger picture, we have to remember not only that there are other areas of children's rights that are not touched upon in this report, but also that there are pockets of marginalized

children who do not reap the full benefits of child-focused public action, and that the landscape of challenges and opportunities in which children are living is changing and growing at a phenomenal rate. This calls on all stakeholders to adopt a perspective on children's rights and well-being that is as wide, inclusive and farsighted as possible.



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