



**Kummissarju ghat-Tfal**

Commissioner for Children

# ANNUAL REPORT 2017

## OFFICE OF THE 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**



Twenty-seven years on from Malta's ratification of the UN Convention on the Rights of the Child, which marked the beginning of the country's children's rights journey, we have come to an important junction. The new road that we have come upon has the potential to take us much further and deeper into the promised land of well-being and happiness for all children.

This potential stems from Malta's first ever **National Children's Policy**, which was launched last year. This document signifies the affirmation of a holistic child-centred approach to dealing with child issues. My Office, which represents a previous milestone in Malta's children's rights journey, will be monitoring, evaluating and effectively steering the implementation of the Policy.

As is fitting, we want children to be on board in carrying out this important task. This is ultimately the reason why, as described in this report, my Office published a child-friendly version of the Policy.

Also pointing our country to this new direction to becoming more fully and more deeply child-friendly is another ongoing national effort, namely the enactment and coming into force of the Child Protection (Alternative Care) Act. This will go a long way towards strengthening the country's defence against anything that may pose a threat to the well-being of its most precious and vulnerable citizens. Even here, I am proud that my Office was at the forefront in recommending to Government on how best to redesign our child protection system.

It is with this sense of satisfaction with what has been accomplished, but by no means terminated, that I present the following review of my Office's activity in 2017.



## BACKGROUND

### **Institutional Profile of the Commissioner for Children**

The Commissioner for Children has a broad legal mandate, set out in the Commissioner for Children Act, to enhance awareness, respect and ownership of the rights of children across all sectors and strata of Maltese society and the Maltese State. The Commissioner's work is thus directed at all those who have the power to make a difference in the lives of children, namely children themselves, parents and guardians, professionals working with and for children, as well as policy makers in the public and private sectors whose decisions directly or indirectly impact children.

### **Operational Profile of the Commissioner for Children**

In 2017, the Office of the Commissioner for Children was held by Ms Pauline Miceli, who served the second year of her three-year term. Ms Miceli was supported in her role by a staff complement of seven full-time workers and by an advisory body, called the Council for Children, made up of a number of children and professionals working in the key sectors relating to children's rights.

Hereunder is a table representing the Office total annual budget and expenditure.

Total Budget	180,000
Commissioner Honoraria and Salaries of 3 staff members	129,977
Operational and Maintenance Expenses	36,781
Projects and Initiatives	19,480
<b>Total Expenditure</b>	<b>186,238</b>



# INTRODUCTION

This report is an account of the work undertaken by the Commissioner for Children in the context of the realities and situations that children in Malta faced in 2017.

This work can be broken down into the following dimensions:

- Understanding Children's Rights

This is the first step in the Office's public action in favour of children's rights in that it enlightens the Office as to where and how it needs to act. The key for the Office to understand children's rights is to listen to stakeholders with an open mind.

- Transmitting Children's Rights

The Office responds to the information gleaned from listening to stakeholders by transmitting messages that empower them to do more and better for children through their actions and attitudes.

- Strengthening Children's Rights

The Office formulates recommendations for improvements in systems and lobbies the relevant entities to adopt the recommendations so that children's rights frameworks may be strengthened.

The stakeholders with whom the Office liaises in understanding and transmitting children's rights comprise children, their significant others, child experts and professionals and the general public. In strengthening children's rights, the Office works hand in hand with lawmakers, policymakers, standard-setting entities and service administrators.

The Office's work spans the entire spectrum of children's rights as defined in the United Nations Convention on the Rights of the Child, and is overarched by the principles of non-discrimination, the best interests of the child and child participation.

The report is articulated along the above three dimensions.



## Chapter 1

# UNDERSTANDING CHILDREN'S RIGHTS

"In order to promote the welfare of children and to monitor the conditions under which children develop, the Commissioner shall:

- (c) collect information and investigate any alleged breaches of the rights of children;
- (e) monitor whether ministries, government departments and agencies....are meeting the standards....;
- (f) collect data about, conduct or encourage research into matters relevant to services for children;
- (i) monitor and assess the policies and practices of social welfare services affecting children;"

"There shall be a Council for Children appointed by the Minister to assist the Commissioner, composed of the Commissioner who shall be the chairperson and six other members as follows:

- (a) one person appointed by the Minister;
- (b) one person appointed by the Minister responsible for Health;
- (c) one person appointed by the Minister responsible for Education;
- (d) one person appointed by the Minister responsible for Home Affairs;
- (e) one person appointed by the Minister responsible for Justice; and
- (f) the Chairperson of the Committee.

The Council (for Children) shall have the right to co-opt up to seven other persons who, in the opinion of the Council, best represent children and the rights of children. These persons shall, as far as possible, be children and people involved in the promotion of children's rights."

(Commissioner for Children Act, Articles 11, 12)

## Child Participation Structures

The **Council for Children** is an advisory body to the Commissioner for Children, who also chairs the Council. This body is made up of the Chairperson of the Social Affairs Committee, representatives of the five Ministries whose respective remits touch more closely on the rights and well-being of children, and a number of children elected by their peers who purposely act to provide a child perspective to the Office.

In 2017, minors were represented by Clarissa Friggieri, Jennifer Atkins, Andrij Chetcuti Theuma and Cheyenne Baker. The young people were chosen democratically by a group of their peers during the 2016 and 2017 Rights 4U Live-in which is held every summer.

The Council held two meetings in the course of the year, during which it discussed a variety of issues. These included the **Child Protection (Alternative Care) Act**, Office activities such as **Rights 4U**, **World Children's Day** and the **Standards for the Participation of Children in Political Communication**.

Another organisation that has been working to set up effective child participation structures is Eurochild, a network of individuals and organisations, including the Office, that work with and for children in and across Europe.

During the General Assembly for 2016, in which the Office was represented by its Policy Officer, Nicholas Vella Laurenti, a draft Child Participation Strategy that proposes a structure to allow the voices and inputs of children to permeate the Eurochild governing structures was presented. True to the spirit of child participation, the strategy was developed by a group of children from across Europe.

Eurochild also set up a Youth Advisory Group to work on the organisation of the network's Biennial Conference, the forthcoming edition of which is in 2018. Cheyenne Mangion, a young person from Malta, forms part of this group after she applied to form part of this group with the support of this Office.

## Internet Safety

Listening to children and their relationship with new technologies is especially important.

A consultative structure for young internet users is the Youth Panel. This is an integral part of **BeSmartonline!**, Malta's EU co-funded Safer Internet Centre, which entered its eighth year, and to which the Office of the Commissioner for Children, represented by the Commissioner and the Task Manager, Ms Suzanne Garcia Imbernon, is partner within a consortium that is also made up of the Malta Communications Authority as the lead partner, Aġenzija Appoġġ and the Directorate for Learning and Assessment Programmes, namely the Personal, Social and Career Development Education Officers. The Panel met three times in



the course of 2017, not only helping bring to light emerging trends and juvenile experiences in the online world but also giving valuable input to the promotion of a safer and more beneficial internet through the selection of a mascot for BeSmartOnline!.

The Rights 4U live-in is a three-day programme of fun educational activities targeting Form 3 and Form 4 students. Online relationships was the theme discussed during the live-in organised by the Office, in collaboration with BeSmartOnline!. A number of Youth Workers within the Department for Student Services listened to the views and experiences of a group of 26 young persons participating in the live-in. The discussions included cyber-bullying, sexting and peer pressure. The Rights 4U programme was organised with the financial support of the HSBC Malta Foundation.



Parents and carers are key players in the effort to shape children into responsible and discerning digital citizens. For this reason, BeSmartOnline! has an ad hoc consultative structure for parents and carers of children. The Parent-Carer Forum, as this structure is called, held a meeting to discuss new trends and more effective ways of reaching parents.

The Task Manager, Ms Suzanne Garcia Imbernon, took part in two training meetings organised by Insafe, a European network of Awareness Centres promoting safer and better usage of the internet, in which presentations on issues like sexting, cyberbullying, online child sexual abuse material and fake news were delivered by experts. On the subject of fake news, the Maltese Safer Internet Centre presented an online game which encourages children to filter online information critically by prodding them to question the credibility of a website or portal over another, and more generally teaching them how to use social media in a safe way.



The Office of MEP Dr Miriam Dalli met with the BeSmartOnline! Team and other stakeholders at the Office premises to discuss issues of child internet safety as well as related ongoing legislative initiatives in the European Parliament. Dr Dalli emphasised the need for more proactive policies in this area.

The Commissioner was one of the speakers at the conference on digital dangers entitled 'Type In LOVE, Type Out Hate' organised by the Office of MEP Marlene Mizzi. In a panel discussion, the Commissioner spoke about the need to ensure adequate provision, protection and participation of children in internet safety.



“ Children have a right to access the new technologies and to take advantage of the opportunities they offer; we have a duty to protect them and promote the safe use of the internet. We must teach children their rights and responsibilities both online and offline. ”

**Pauline Miceli**  
Commissioner for Children

TYPE IN **LOVE**  
TYPE OUT **HATE**

## Healthy non-abusive relationships both online and offline

Another deeply personal and intimate facet of all children's lives, which cannot be understood without their subjective input, concerns their relationships with others, particularly their peers.

A space for children to put across their perspective on this dimension was created by the Office in the form of a discussion among a group of 13 - 16 year olds representing all Colleges, including a separate session in Gozo, about how children can be helped to build healthy relationships. These discussions, which the Office facilitated, crystallised in a set of recommendations on how progress in this area could be achieved. Two of the participants in this discussion, Ms Alessia Pulis and Ms Cheyenne Mangion, were chosen to present and discuss the recommendations with children hailing from ten other European countries, as part of the ENYA (European Network of Young Advisors) Forum Meeting held in Paris. The youngsters were accompanied by the Office Task Manager, Ms Suzanne Garcia Imbernon, who was also entrusted with moderating and consolidating the discussion among the young advisors in Paris since she was nominated by ENOC to be the general coordinator for ENYA.



Group of young participants.



Ms Alessia Pulis and Ms Cheyenne Mangion presenting the recommendations at the ENYA meeting in Paris.

In their recommendations, the ENYA participants focused among other things on the need for governments, schools and the community to be more sensitive to the sexual health needs of teenagers, including but not limited to sexual health education. The consolidated recommendations fed into the work of ENYA's parent organisation ENOC (European Network of Ombudspersons for Children) were presented during the Annual General Meeting held in September and incorporated in the annual statement issued by ENOC.





In this Conference, the Commissioner, who was accompanied by the Task Manager, gave an overview of her Office's efforts on the topic of the sexual health needs of children. Stressing that relationship and sexual education must encompass the values of respect for oneself and others, Ms Miceli went on to describe three initiatives carried out during her term with a view to promoting positive relationships between children, namely the Rights 4U live-in, the BeSmartOnline! initiative, and the *Think before you Click* campaign rolled out in 2016 through the medium of radio.

### **Sexual abuse**

The Head of Office, Dr Lorna Muscat, participated in three meetings of the Committee of the Parties (The Lanzarote Committee) to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which convenes in Strasbourg to evaluate the situation on the protection of children against sexual violence at national level and to facilitate the collection, analysis and exchange of information, experience and good practices among member states.

Among several issues on the agenda in 2017, the Committee discussed and adopted the Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs); reviewed the revised draft of the 2nd implementation report on the "Protection of children against sexual abuse in the circle of trust - The strategies" (adopted 2018); and marked the 10th anniversary of the opening for signature of the Lanzarote Committee at a conference entitled *Ending Sexual Exploitation and Abuse of Children: Towards a World of Trust*, wherein presentations included those by Interpol and NGOs working on the ground.

### **Domestic violence**

Children are the forgotten victims of violence at home especially when the violence is not directed at them. Hence, there is a real need to explore with and through children their experience of domestic violence and of the system that is in place to combat it.

The Office held a number of focus groups with children, ages ranging between 4 and 13 years, who were residing at Dar Merħba Bik, a voluntary organisation that offers shelter to female victims of domestic violence. Other focus groups were held with older children whose parents are survivors of domestic violence and form part of the support group SOAR (Surviving Abuse with Resilience), a domestic-violence service run by the St Jeanne Antide Foundation.

The overarching message conveyed by the children who had lived through violence at home was that the system had not been sufficiently supportive of them. The children made it clear that this lack of support encompassed both formal care services, where they highlighted among other things the need to be assigned a social worker, and that of sensitizing informal community structures and individuals such as neighbours, who though aware of the situation chose not to report to the authorities.



The Commissioner for Children presenting the views of children at the Annual Conference of the Commission against Domestic Violence.

The Commissioner presented this perspective of children at *Listen to me! Giving Children a Voice*, the Annual Conference of the Commission against Domestic Violence, which kick started the Commission's 16 days of activism on this very theme. Another channel through which the Commissioner presented views and experiences of children who had lived through domestic violence was the Children's Parliament held in the House of Parliament, where representatives from various schools put forward their proposals to a number of Ministers and Parliamentarians from both sides of the political divide present at the session.

### **Life in a residential setup**

Children's homes operate within a rights-based regulatory framework. However, in the process of assessing these care structures the perspective of the children who live in these homes is not always given the importance it deserves.

The Commissioner for Children paid a visit to a number of residential homes in order to meet and listen to the child residents. These included St Joseph Home, Fra Diegu Home, Fejda and Jeanne Antide, as well as various small residences interspersed in the community. The Commissioner was pleased to note the work done to make these homes more homely in their ambience, namely the fact that the rather huge and older institutions have been converted into smaller living units reminiscent of a family dwelling. Children are assigned the same carers who worked the same shifts for better bonding with the children in their care.

The Commissioner plans to visit all residential homes for children by the end of 2018.

### **Children in detention**

Children are detained in response to their vulnerability. Very often, however, the detention of children exacerbates their vulnerability and creates new vulnerabilities that render their social reintegration post-detention much more difficult to achieve.

In order to better understand these perverse mechanisms and how they can be addressed, the Office participated in the 11th European Forum on the Rights of the Child held in Brussels and organised by the European Commission. Its representing officer, Ms Henrietta Mizzi, was able to participate in discussions about a broad range of child subgroups who are at risk of detention and its negative repercussions, such as juvenile delinquents, as well as children who suffer the consequences of the detention of their loved ones.

While detaining children is sometimes inevitable, the Office has always been firm and intransigent in its stand that children on the move should never be detained on administrative grounds, even when there are reasonable grounds to doubt their claim to being children. Thanks to the affirmation of this stand along the years, considerable progress has been made in ensuring that, in the context of irregular migration, no child is detained for even short periods.

Nevertheless, the Office is still attentive to this particular issue. For this reason, it participated in two events organised by the Council of Europe on the subject. The Head of Office, Dr Lorna Muscat, attended a two-day conference entitled *Immigration Detention of Children: Coming to a Close?* which was hosted by the Czech Chairmanship of the Committee of Ministers of the Council of Europe. The Projects Officer, Mr Glen Gauci, participated in the pilot seminar *Monitoring Places where Children are Deprived of their Liberty as a Result of Immigration Procedures*. The two Office representatives were thus able to get separate overviews of the legal and situational landscape in Europe in this area of children's rights and to learn about best practices insofar as alternatives to detention are concerned.

### **Juvenile offenders**

The Commissioner regularly sits through sessions of the Juvenile Court to keep abreast of the types of offences committed by minors as well as the type of sentencing meted out to them.

The Commissioner visited YOURS (Young Offenders Unit Rehabilitation Services), where she spent time talking with and listening to a young detainee in the female section. This feedback puts the Office in a better position to formulate recommendations for the prevention of crisis that can lead to the incarceration of juveniles and for young offenders to receive the rehabilitation they need.

## The environment

Younger children are naturally fond of nature and the outdoors, which they are able to express very evocatively through drawings and paintings.

The Office gave children an opportunity to do this by promoting and managing the participation of children in Malta in the 25th Annual World Children's Picture Contest through



which the IE-NO-HIKARI Association in Japan invites children across the world to depict their idea of the environment, including Agriculture, Farming, Nature, People or even people within a Family Environment.

The Commissioner presented Gabriel Azzopardi, a 9-year old from Malta, with a certificate of Honourable Mention, sent by the Association, for his picture submitted in the 2016 edition of the contest.

The importance of the outdoor environment to the well-being of children resides mostly in the built urban part of this environment, wherein the majority of children live. Given Malta's limited landmass and very high population density, designing urban centres and peripheries that meet the needs and aspirations of child residents is especially important and challenging at the same time.

In order to better understand what these needs are and how they can be met, the Commissioner, accompanied by Ms Henrietta Mizzi, participated in the international seminar organised annually by the Child in the City Foundation, an organisation that works towards the broad aim of strengthening the position of children in cities.

The seminar revolved around the theme of *Urban Planning and Children* and included a number of study visits in the host city, Rotterdam. The need for professionals to be sensitive to the needs of children was highlighted. It included the children's involvement in planning and design of a built environment where children felt free and safe.

On a national level, the Office is aware of the need to sensitise policy-makers, local governments and the general public about the importance of creating safe and open spaces in the localities for children and the community at large to enjoy a better quality of life.



## **The needs of young people in the community**

The Commissioner met with a group of teenagers living in a particular locality to listen to their concerns about how their needs in the community were being met. The teenagers highlighted the lack of outdoor spaces tailored to the needs of their age-group.



The Commissioner for Children, Ms Pauline Miceli, during her visit to the Hamrun GP Skolajf Centre.

## **Leisure and creativity**

Summer is a time of leisure and creativity for children. For this reason, the Commissioner visited a number of SkolaSajf centres, where she had the opportunity to see and admire the creative work the children were doing and to listen to their feedback.

## **Education**

It is widely accepted that schools are not only centres for the academic formation of children but are there to spur children's personal development. Hence, the workforce of a modern school is made up not only of educators but also of care professionals who foster the psycho-social well-being without which children cannot learn. A psycho-social team is assigned to each of the 10 State Colleges who work in collaboration with other child protection entities.

In recognition of the vital importance of this professional input in schools, the Commissioner held as many as six meetings with the psycho-social teams of all the State School Colleges and with the youth workers in Church schools to listen to their accounts of how their work with and for children in schools could be enhanced.

## **Well-being for all children in a multi-cultural society**

In recent years, the numbers of foreign children, defined as children living in Malta whose parents or guardians are not Maltese, have multiplied as a result of strong net migration to Malta. This demographic phenomenon raises the question whether the State and society of Malta, which has traditionally been rather homogenous, has been adaptable enough to enable children with diverse cultural backgrounds to enjoy the same level of well-being as their native-born peers.



In 2017 preparatory work for a large-scale scientific study into this very question was completed. The study had been commissioned the previous year by the Office to the Centre for Resilience and Socio-Emotional Health within the University of Malta, led by Prof. Carmel Cefai. This work includes the enrolment of research subjects for the study, including children and parents within EU and third-country migrant communities, and the translation of research instruments into the mother tongues of these communities. The fieldwork will investigate the personal views of children, their parents and teachers.

This research effort is expected to deliver its first results, including findings and recommendations, by mid-2018.

On the subject of the social inclusion of child migrants and their families, the Commissioner participated in a symposium organised by the EU's Fundamental Human Rights Agency in collaboration with the Maltese Presidency of the Council of the European Union.

Among the main points emerging from the meeting was the need to create safe channels for migration so that migrants would not risk their lives in fleeing their countries to a better place, and the wisdom of seriously combating poverty among children as a means of preventing an escalation of rates of juvenile delinquency, ill-health and other problems that carry a very high social and economic cost.

On the same theme, the Commissioner was present at a high level meeting entitled *Europe's Challenge to Ensure a Rights Perspective for Children in Migration*. It was organised by the Council of Europe and was held in the Swedish Parliament.

The meeting highlighted the need for a rights-based pan-European approach to the phenomenon of child migration to Europe. At the end of the meeting, the Commissioner joined her European counterparts through ENOC in passing a statement urging the EU institutions to respect the rights of the child in developing the new common European Asylum System.

On the same theme of migrant children, in February, Dr Lorna Muscat attended training for legal practitioners which focused on the right of children to be heard and to participate in judicial proceedings, the economic and social rights of migrant children and access to international human rights mechanisms. The training on Fostering Access to Immigrant Children's Rights (FAIR) was organised by the International Commission of Jurists (ICJ) in collaboration with Aditus Foundation. It was conducted by Karolina Babicka from the ICJ and Joris Sprakel representing the Hague University.

This has also helped foster stronger cooperation between the Office and Aditus who have worked together on a number of cases assisting victims to access their rights.









# WORLD CHILDREN'S DAY

20<sup>TH</sup> NOVEMBER



Kummissarju ghat-Tfal  
Commissioner for Children



## **Individual Cases**

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The Office received and listened to over a hundred complaints lodged mostly by children's significant others, including members of the child's extended family. The vast majority of cases concerned issues of care, be it in the context of birth families, foster families, adoptive families or residential homes. Issues relating to schools and education were also a major source of casework for the Office.

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 for the systemic or episodic failure that was at the root of the complaint to be fixed.

## Chapter 2

# TRANSMITTING CHILDREN'S RIGHTS

"In order to promote the welfare of children and to monitor the conditions under which children develop, the Commissioner shall:

- (a) provide public education and information designed to promote an understanding of the rights of children;
- (h) provide public education and information designed to promote an understanding of, and to invite public comment on, the work of the Commissioner;"

(Commissioner for Children Act, Article 11)

### **World Children's Day**

For the second year running, the Office sought to channel the buzz of World Children's Day to organisations that work with and for children by encouraging them to hold a special activity, however small, to mark this important day. The enthusiasm for children's rights stemming from the celebration of this day rubbed off on over sixty schools and a number of Local Councils across Malta, all of which organised activities as varied as no homework day, special assemblies, healthy eating workshops, games, crafts and much more, in which hundreds of children of all ages participated.



## List of Participating Schools World Children's Day 2017

### Kindergartens

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St. Angela Lija  
St. Angela Pieta

### Primary Schools - Malta

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Attard  
Birkirkara  
Birzebugia  
Chiswick  
De La Salle  
Dingli  
Fgura Primary A  
Floriana  
Gudja  
Għaxaq  
Kalkara  
Kirkop  
Lija  
Marsa  
Marsascala  
Marsaxlokk  
Mellieħa  
Miriam Al Batool  
Mosta Primary A  
Mtarfa  
Paola Primary A  
Paola Primary B  
Pieta'  
Safi  
San Andrea  
Siggiewi  
St. Francis, Msida  
St. Joan Antide  
St. Paul's Bay  
Thilakin  
Valletta  
Verdala International  
Vittoriosa  
Żabbar Primary B

### Primary Schools - Gozo

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Bishop's Conservatory Gozo  
Kerċem  
Qala  
San Lawrenz  
Xewkija

### Middle Schools

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Gozo  
Handaq  
Naxxar  
Rabat  
Żejtun

### Secondary Schools

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Archbishop's Seminary  
Bishop's Conservatory, Gozo  
Our Lady Immaculate  
Pembroke  
Savio College  
St. Jean Antide  
St. Martin's  
St. Monica B'kara  
St. Monica, Gzira  
St. Monica, Mosta

### Local Councils

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Floriana  
Gzira  
Hamrun  
Isla  
Mellieħa  
Nadur  
Qormi  
Swieqi

The unifying theme of children's rights was conveyed through a banner donated by the Office to all newly participating entities and prominently displayed during each activity. Moreover, the Office gave public prominence to the significance of the small but numerous and widespread celebrations of World Children's Day happening across the country through the publication of a press release on the subject and through its social media page.

The Office was not simply a catalyst for the organisation of activities celebrating World Children's Day across Malta but was also an active participant in some of these activities. The Commissioner attended some of these activities whilst the Office, in collaboration with some participating entities, such as Qormi Local Council, also ran fun educational activities based on games like Twister and Pictionary and gave talks for the benefit of the participating children.



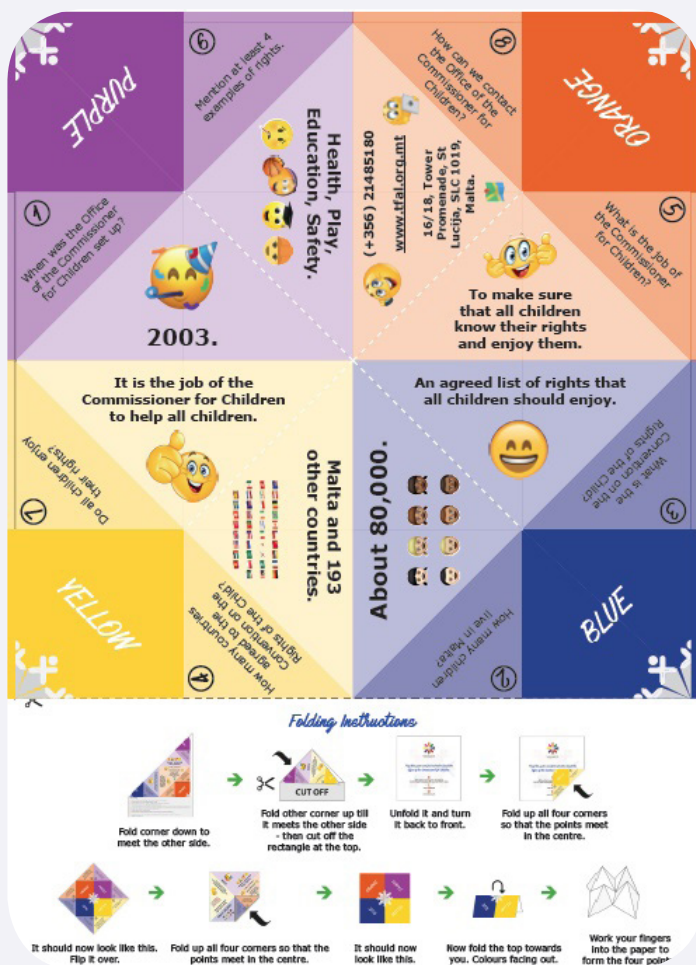
Activities organised by the Office at the Qormi Local Council event.

To create awareness about children's rights among very young children, the Office gave out a set of children's rights flash cards to each class in **Kinder 1**.

Also as part of its celebration of World Children's Day, the Office distributed a copy of Kiko u l-Id, a publication by the Council of Europe that is part of its One in Five campaign, to all children in **Kinder 2** to empower their parents/carers and educators to make them aware of the underwear rule. The booklet explains how and where children can and cannot be touched. The insert with the publication invites parents and educators to read the story to children.

A colouring book produced by the Office to highlight children's rights was distributed to all children in **Year 1**.

Children in **Years 2 and 3** got a feel of this important day when they were able to borrow from their class libraries copies of 'Milly and Molly', a collection of bilingual stories.



On the occasion of World Children's Day, the Office gave every child in **Years 4 and 5** an origami game it created in order to enhance the familiarity of children with the role and work of the Office. The game quizzes children about the Office of the Commissioner for Children and the rights of children while they twist and turn the floral shape in search of an answer.

Children in **Year 6**, received a tip sheet produced by the Office about the safe use of the online app Musical.ly. This cohort was selected after it became evident through the BeSmartOnline! campaign that children had started using this online app as of this age.

## A look into Musical.ly

**60 million** users are using this application (app) on a daily basis.

By downloading and using this app, you are automatically confirming that you are either aged 18 years+, or that you are 13 years old or over and have parental consent to use it.

Users can also connect with friends/followers through a live stream.

Users are encouraged to share videos across other social media platforms in order to gain fans.

It is a social media music app where users can watch and create lip-synching and/or dance videos.

**YOUR PROFILE CAN BE:**

PRIVATE	PUBLIC
• Videos are only visible to your friends/followers	• Videos visible to everyone

**USEFUL TIPS**

- If you come across videos that make you and/or your friends feel uncomfortable – report them! You can report them directly to musical.ly or by calling 179.
- You may block users so that they cannot see your content. You can also delete a fan by swiping left.
- Keep comments positive – use them to show support and encourage age privacy.
- It feels good to have many followers however be careful when trying to boost your followers. Apps that claim to help boost followers often cost money and are not the safest option.
- Remember: users may not be who they say they are, may have bad intentions and may hide behind a fake identity. Only accept people you know. #safetoyoupopularity

**Privacy settings:**  
Your profile is automatically set public to change it to private:

**Remember that once you create an account, you cannot delete it!**

- Post responsibly respect yourselves and others.
- When posting on musical.ly your location is automatically revealed.
- Turn on your 'hide location info' setting – respect your privacy!

For more information you may contact the helpline 179 or send an email to 179.apogg@gov.mt.

Be the change: Unite for a better Internet

be SMART! ONLINE! [beSMARTonline.org](http://beSMARTonline.org) [www.facebook.com/beSMARTonline](https://www.facebook.com/beSMARTonline)



## National Children's Policy

The Office was extensively consulted by the Directorate General for Social Policy on the draft National Children's Policy, which the Government was preparing to launch for implementation over a seven-year time span. The feedback provided by the Office regarded both the substance and the style of the draft policy document.

The input of children was an important element in the drafting of the National Children's Policy. This was in keeping with the emphasis laid in the Policy on Participation as one of the three pillars, alongside Provision and Protection. The participation of children in the policy ran through all the phases of the development of the Policy, including publication.

To this end, the Office produced and published a bilingual child-friendly version of the Policy in order to make the National Children's Policy accessible to children. This required not only rewriting the document in simpler language but, more broadly, employing an entirely different literary form from that of an abstract policy document. The narrative is based on the metaphor of the National Children's Policy as a box of tools, representing the skills and values that children could use to advance their well-being. The child-friendly version of the National Children's Policy recounts the intertwined stories of five child characters on a joint journey to five lands, as the five dimensions of the Policy objectives, in search of their happiness.

*The Mystery Box and the Adventure to the Five Lands*, as the title of the story goes, will be used to consult with children on the implementation of the Policy as part of the Office's monitoring function in respect of the Policy (see chapter 3).

The Commissioner delivered a short address to a group of experts and professionals during the launch of the National Children's Policy. Ms Miceli stressed the importance of allowing the voice of children to be heard in the process of implementing

and monitoring the Policy. She highlighted the child-friendly version of the Policy, which her Office had produced, as a useful tool in keeping children involved at all stages of the Policy.



The Commissioner for Children and/or other members of her Office were guests on four TV or radio programmes which were dedicated to the Policy that had just been launched. In their interventions, the Office representatives stressed that while Government was the main motor behind the implementation of the Policy, civil society also had an important role to play in advancing the interests and well-being of children.



The Office's prospective role is to monitor the implementation of the Policy. Following the launch of the document, preparatory work was conducted towards the setting up of an inter-ministerial monitoring body that would be chaired by the Commissioner.

### **Commissioner for Children & Children's Rights**

The Office has been raising awareness about the work of the Commissioner since its inception in 2003. Promotion takes place by participation in many discussions and fora, through family oriented shows on the various media, conferences and other events as shown below:-

- The Commissioner was the speaker in a session with University students following the Bachelor of Education course where the work of the Office for children's rights was presented and discussed with the students.
- The role and remit of the Office were also the main topic of discussion in five programmes on TV or radio where members of staff of the Office participated.
- The Commissioner was invited to present her take on human rights, that is on children's rights, at the conference entitled Advocating for Children's Rights: Preparing for the 70th Anniversary of the Universal Declaration of Human Rights organised by the Faculty of Laws of the University of Malta. In her address, Ms Miceli reflected on the underlying principles of the Declaration and on the Convention on the Rights of the Child as its progeny. The Commissioner lamented the lack of a unitary children's rights framework in national law and called for the transposition of the Convention into domestic legislation.



- During an event organised by the Malta Medical Students Association and held just outside the Parliament building to celebrate International Human Rights Day, two members of staff of the Office distributed freebies and disseminated information about children's rights to children and passers-by who had stopped by the Office's stand to have a look at the informational material.



### **Training on Children's Rights**

In October Dr Lorna Muscat was invited to conduct a two hour training session to staff and volunteers at [Kellimni.com](http://Kellimni.com). This is an online support service for children and adolescents forming part of the framework of Child Helpline International. This was carried out as part of their annual training programme. The Office is pleased to participate and lend its expertise and support to this training programme on an annual basis.

### **Children's participation**

- The Office produced a child-friendly version of the national standard The Participation of Minors in Political Communication, Election Campaigns and Referenda and all Poll-related Matters – Requirements (see chapter 3 for an account of the content of the standard) with a view to enabling children to participate in the consultation process around the draft standard.
- The Commissioner appeared on TV to promote the idea that children have a right to voice their opinions and be listened to, as well as in all matters that concern them. Minors should be enabled to exercise their democratic rights including responsibilities in Local and National Government.

### **Vote 16**

- The Office supported the legislative drive to grant full voting rights to 16 and 17-year olds. To this end, it participated in three TV or radio programmes to promote public acceptance of the enfranchisement of minors. At the same time, it also issued a number of statements in reply to questions from the print media in which it warned of the dangers of exposing children in the political arena and welcomed the issuance for consultation of national standards on the participation of children in politics. Members of the consultative body regarding the issue met with the Commissioner and staff to discuss the issue. Parliamentary Secretary Ms Julia Farrugia Portelli also invited the Commissioner and Head of Office to discuss the topic of Vote 16.

## **Sexualisation of children**

- On other occasions, the Office participated in discussions and issued statements about the risks and benefits of children's participation in singing and modelling contests and the dangers of the sexualisation of children.

## **Digital rights**

- In its capacity as partner to the BeSmartOnline! project, throughout the year, the Office contributed by delivering educational sessions on internet safety in schools, and to children attending SkolaSajf. Groups of more vulnerable children were included. The Office also held information sessions with parents on issues of internet safety of children.
- In another four media appearances, the Office sought to inform the public about how children can be positively and negatively affected by the internet. In a statement that was published in all dailies against the backdrop of the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Office raised awareness on how the internet can sometimes be used by criminals as a tool to inflict sexual abuse on children.

## **Minimum age of criminal responsibility**

- That children under fourteen years of age who commit a criminal offence should not be liable to criminal proceedings is not always understood and accepted by the general public. The Commissioner's participation in a TV programme dedicated to this very topic was thus an important opportunity for the Office to explain why this age threshold was fair and that justice lay in providing specialised therapeutic services for the young offenders.

## **Hospitalised children**

- Receiving even a small gift can put a smile on the face and a glow in the eyes of the saddest child. This is why the Commissioner, accompanied by Ġuġinu, the Office's brave and friendly feline mascot, visited and delivered Christmas presents to children receiving healthcare in the children's wards at Mater Dei Hospital. The Commissioner also visited the Youth residence within Mount Carmel Hospital and donated a number of board games.





## Missing children

- On the occasion of International Missing Children's Day, the Office of the Commissioner for Children issued a press release calling on all stakeholders to increase their collective efforts to prevent children from falling through the safety net by combating the phenomenon of missing children in all its forms.
- The Commissioner formed part of a panel discussing Amber Alert, a recently launched nationwide alert system for endangered missing children and child abduction cases.

## Substance abuse

- The Commissioner was part of a panel discussing substance abuse with reference to the debate about the legalisation of marijuana. The conference *Illum Jien, Ghada Int...id-droga wara biebna!* was organised by the OASI Foundation. Ms Miceli reminded the numerous audience about the illegality of substance use by minors and focused among other things on the role of parents and parenting for drug abuse prevention, and more importantly, in dealing with teenagers who experiment with illegal substance use.



The Commissioner for Children delivering her presentation at the conference organised by OASI Foundation.

## Alternative care for children

- *The Right of the Child to live in a Family* was the theme of an international conference organised by UNICEF in Armenia. The host country is in the process of reforming the out-of-home care systems by transforming large scale residential care institutions into a network of community based services. The scope of the conference was to share experiences and good practice. Priority areas for actions included the protection of children who are returned to their biological families and in particular the issues of children with disability who are presently living in centralized large residential care institutions like the one the Commissioner visited during the fieldwork sessions.

Ms Miceli, as one of the main guest speakers, presented the main findings from two complementary studies on the situation of children in alternative care in Malta that had been commissioned by the Office. The drift of the Commissioner's presentation was that the Office's research had supplied further empirical proof that children fared better in terms of their overall well-being within a family setting than in institutional care. The former model of care presented significant challenges which needed to be overcome for children to experience its short-term and long-term benefits.



The Commissioner for Children presenting the two studies at the conference organized by UNICEF in Armenia.

Malta's contribution and experience was well received by the Armenian Defender of Children, who together with UNICEF Armenia are advising their government on this important reform.

The Commissioner and Project Officer, Glen Gauci, attended the event.

### **Child day care centres**

- Against the background of an ever expanding supply of and demand for child day care services, the Commissioner spoke on TV about the need for parents and authorities to ensure that all children attending child care were receiving care that was compliant with the quality standards set for the sector. In a press statement on the subject, the Office called for unannounced visits to be carried out on all childcare centres and for the quality standards governing the operations of child day care centres to be updated. A followup meeting with the Directorate of Educational Services responsible for child care centres took place. Concerns about the quality of child care provisions were raised.

### **School uniforms**

- On the controversial issue of school uniforms, the Office publicly stated that these should be comfortable, practical and flexible, as had also been highlighted by Maltese young people in the 2016 Youth Participation project carried out by ENYA.

### **Energy drinks**

- A relatively new phenomenon about which more awareness needs to be raised concerns young people's consumption of energy drinks, which carries serious health risks. The Office was able to highlight this issue through a comment given to and aired on a TV station.

### **Water safety**

- On the cusp of the summer season, the Commissioner used the media to voice her concern about how easily children could drown in even the shallowest of waters, and to call on all stakeholders to ensure that children were safe whenever they were around water.





## Chapter 3

# STRENGTHENING CHILDREN'S RIGHTS

"In order to promote the welfare of children and to monitor the conditions under which children develop, the Commissioner shall:

- (b) initiate measures for asserting the rights and promote the interests of children;
- (d) set standards to be applied by ministries, departments or agencies of the Government to help ensure that their internal review processes are responsive to complaints about decisions concerning the provision of designated services to children;
- (g) ensure that such services in relation to children are -
  - (i) accessible,
  - (ii) community-based,
  - (iii) co-ordinated and integrated,
  - (iv) inclusive of gender, culture and language, and
  - (v) responsive to individual needs;
- (j) ensure that legislation relating to the protection of children's interests is observed;
- (k) act as a spokesperson for the rights, needs and interests of children and put forward proposals for measures which can solve or prevent conflicts between children and society;
- (l) advise the Government and propose to the Government such measures as may be required in order for the rights and interests of children to be provided for."

"The Commissioner may make recommendations for action to be taken by other persons or body as may be necessary or expedient and may publish such recommendations, if the Commissioner deems fit, without revealing the identity of the person to whom the report refers."

(Commissioner for Children Act, Articles 11 & 16)

## Meeting with the Minister for Family, Children's Rights and Social Solidarity

The newly appointed Minister for Family, Children's Rights and Social Solidarity, the Hon. Dr Michael Falzon, accepted an invitation to conduct a courtesy visit upon the Office at its premises. During the visit, the Commissioner set out her major concerns in the field of child policy to the Minister, who was accompanied by the Permanent Secretary Mr Mark Musu.



### Child protection

The Head of Office, Dr Lorna Muscat, who is a lawyer by training, worked closely with the legal office of the Ministry for Children's Rights, Family and Solidarity towards revising and fine-tuning the Child Protection (Alternative Care) Act. The new act proposes an overhaul of the legal framework governing Malta's child protection system by putting the best interest of the child principle at the very heart of legislation and placing the responsibility for alternative care placements of children on the shoulders of a judicial, rather than political, body.

In its advisory role, the Office paid particular attention to those provisions in the Act which mandate the setting up of a Children's House, a child-friendly structure where children involved in judicial proceedings, be it in the capacity of defendant, plaintiff or witness, can be interviewed. It also provides for the setting up of a contained therapeutic centre for children with challenging behaviour where they would be able to receive the behavioural treatment they need. More generally, the Office worked towards expediting the process leading to the enactment and coming into force of the Act.

### Towards a holistic children's rights legal framework

The Office carried out a comparative analysis of the United Nations Convention on the Rights of the Child and national legislation with a view to identifying gaps that might render such transposition problematic. This will allow children or those acting on their behalf to seek legal redress for an alleged breach of their rights under the Convention.

### Manifesto for Children 2017

In view of the General Election called for June, the Office published a list of proposals for the improvement of the legal and policy framework governing children's rights in Malta in the hope that the political parties contesting the election would include at least some of these proposals in their respective electoral programmes. The Manifesto includes proposals for every sector of public policy, such as Education, Home Affairs, Health and Justice.

## **Children's participation in polls and politics**

A standardisation process initiated by the Office through the Malta Competition and Consumer Affairs Authority (MCCAA) in 2016 reached the final stages. The recommendations received after the public consultation on the draft national standard DSM6200:2017 entitled The Participation of Minors in Political Communication, Election Campaigns and Referenda and all Poll-related Matters – Requirements were discussed by all stakeholders.

The standard provides the various stakeholders, including politicians, campaign managers, media operators, parents and children with a model or guide for the healthy participation of children in any form of mass communication related to plebiscites and the campaigns leading up to them. The standard thus strikes a good balance between the right of children to participate in matters that affect them (Article 12 of UNCRC) and their right to be protected from exploitation.

## **Combat sports**

Another brainchild of the Office that saw the light of day was national standard SM6000:2017, that is 'Safety Management Systems – Requirements for Combat Sports Practised by Minors in a Ring'.

Although the Standard is not binding on those who operate in the industry, it nevertheless allows all providers and practitioners of combat sports for children to plan their services or use thereof around the safety of children who train in these sport disciplines.



## Chapter 3

### CONCLUSION

Although the principle of non-discrimination enshrined in Article 2 of the Convention on the Rights of the Child is a very worthy reminder that the rights of children are universal, it is also true that the very concept of children's rights assumes a more urgent significance when it is applied to the precarious situations which a number of children face in their daily lives.

Among these doubly vulnerable children are those who suffer or are at risk of suffering some form of abuse. These are children who have or may have psychological scars that are not only debilitating in themselves but also interfere with all aspects of their normal functioning as children, such as their education and leisure.

As a country that cherishes its children, we owe it to these children to have in place the best possible system of laws, policies and services to prevent abuse against children from happening, to detect and stop abuse as early as possible from its onset, and to facilitate the complete physical and psychological recovery of victims of child abuse.

That our country is well on its way to enacting a revised and rethought legal child protection framework is a clear signal of its determination to give these children all the support they need. One looks forward to seeing this legislative resolve complemented by an equally strong commitment to setting up the necessary structures and investing sufficient resources for the legal framework to actually work in practice for the benefit of children.

It is important to understand that even when the Child Protection (Alternative Care) Act finally comes into force and its implementation is thorough and effective, it cannot address the adverse social contexts in which many vulnerable children live. To attack the root causes of abuse, we need to ensure that all children and families with children have the necessary economic and cultural tools to live in a way that allows them to flourish as children and families.

The Government's drive to combat poverty, not least through the implementation of the National Strategic Policy for Poverty Reduction and Social Inclusion 2014-2024, can be a decisive step in this direction. For the fight against child poverty and social exclusion to be won, we must adopt the principle that all children, even those hailing from different ethnic communities, are children first, and thus ensure that all children and their families get unfettered access to high-quality services that can help them achieve full integration in our society.









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