

STUDY | **MINORS IN ADVERTISING AND DURING ELECTION
CAMPAIGNS**

by

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Children have the right to be heard and adults should listen to their views
The 2007 Council of Europe Koczak Lecture
Thomas Hammerberg, Commissioner for Human rights



Annual Report (2011: 54)
Office of the Commissioner for Children

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All quotes are direct citations – nothing has been changed, not even in terms of language or syntax.

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SECTION 1: INTRODUCTION

*Children are undoubtedly the most photographed
and the least listened to members of society.*

Roger Hart (1992: 8)

**Children's Participation. From Tokenism to Citizenship.
Innocenti Essays no 4. Florence:
UNICEF Innocenti Research Centre**

1.1 INTRODUCTION: BRIEF

The *Commissioner for Children* has assigned me a challenging agenda. According to Professor Kevin Aquilina's paper '*Children's rights in the Maltese Audiovisual Landscape: Proposals for legislative reform*', "Children are fragile, vulnerable and need protection". It is to be noted that there is hardly any debate taking place locally on the issue of 'advertising' and 'politics/electioneering' and whether we need to safeguard children and young people from potentially negative influences. In relation to this, Article 17 of the UNCRC, states;

Article 17

States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

Interviews were held with Professor Kevin Aquilina and Rev Dr Joe Borg, amongst others, who informed me that an attempt at a similar exercise had been initiated in 2008, right after the general elections were held during that same year. An ad hoc committee was set up under the patronage of the *Broadcasting Authority*. At the time the Authority was represented by its CEO Professor Kevin Aquilina, while the other members were Ms Carmen Zammit, then *Commissioner for Children* and Rev Dr Joe Borg on behalf of the

Education Department. No official conclusions appear to have resulted from these introductory meetings. The committee stopped meeting soon after Professor Aquilina was no longer CEO of the *Broadcasting Authority*. Thus far, the starting point in these meetings seems to have been an incongruity in the position whether children and young people (minors) should be involved or not in 'political advertising'. There appears to have been divergent positions on this issue.

We could legitimately state that there doesn't seem to be a 'public outcry' on the issues at hand, namely 'advertising' and 'electioneering' in relation to children and young people, except for the occasional article on the newspapers or the odd comment on the news portals, such as 'Political billboards could be 'negatively influencing' our children' (Accessed on 2/11/2012 maltatoday.com.mt).

I believe that in a way the argument that this is a non-issue could be an understandable position. In fact, most people I interviewed as part of this project felt that it is not a matter they had put too much thought in. On the other hand, when these issues were raised with my interviewees and during the focus group sessions, an innumerable amount of complexities surfaced, namely, the issue of consent, the notion of exploitation, the measure of maturity, the role of the State contrasted with that of the parents/guardians, the involvement of minors in society, amongst others.

Rev. Dr Joe Borg states;

Policy, and more so, legislation has to be based on research. I do not favour the use of the faces of Maltese children on political billboards or propaganda. But is there any evidence which shows that such depiction has resulted in negative effects? If there is no such evidence I would be in favour of an educational campaign with parents and lobbying with political parties instead of legislation.

Most of the interviewees claim that they did not have a clear idea on what the solutions to these concerns are. Despite this, as stated by the NGO *Every Child Counts*, there is consensus on the following:

...that children are entitled to enjoy the happiest, healthiest and safest childhoods we can provide or that they will play a pivotal role in the future social and economic development of this country.

www.everychildcounts.org.nz
Accessed on 29/8/2012

Consequently, this document attempts to lay out the issues that we are reflecting on, the principles and the development of a set of guidelines and proposals to make this leitmotif more intelligible.

The *brief* of this paper is most certainly broad and extensive and intended to analyse the following two themes essentially; first, explore concerns with regards to children and young people and how they are portrayed in 'advertising'; and secondly, draw up a rationale and a set of guidelines on how children and young people should be 'represented during electioneering'.

The first thought that comes to mind is that these two issues might be interpreted as not being connected and are completely alien to each other and possibly unrelated. However, as this document unfolds, it will be shown that there are a great deal of similarities and a general sense of overlapping between the two. In truth, with the way a political message is developing locally, it is nothing less than a market product that is packaged and ready to be served.

Kemm fir-riklamar ta' prodotti / servizzi, kif ukoll f'reklamar politiku / elettoral, l-użu tat-tfal hu kkalkulat fuq il-psikoloġija bikrija, u allura iktar fraġli imma ġenwina, tat-tfal. Għaliġa dan hu vjolazzjoni tad-dritt fundamentali tat-tfal li jingħataw tagħrif korrett u komplut u stampa sħiħa tal-fatti kollha tal-ħajja.

Philip Borg, Journalist, it-Torċa

Hence, this document will first provide the reader with an analysis and exposé of some important and central issues concerning children and young people and their relationship to 'advertising' and secondly, an analysis of minors and their representation in 'electioneering'. In both scenarios I will subsequently put forth a number of recommendations and guidelines to ensure that the way we interpret this particular state of affairs is appropriate, modern and adjourned to reflect today's society.

Critical questions on advertising

In 'advertising' we might need to ask the following questions to help guide our judgment:

- Is advertising an important issue in today's society?
- How can children and young people engage with advertising in terms of being 'informed' about a product, rather than being 'subjected' to a product?
- Is advertising about selling, or is it also about information?
- What are the 'tools' that children and young people need to combat the potential exploitation in 'trend-setting'?
- In what way can we ensure positive representation of children and young people when they are involved in advertising?

Critical questions on electioneering

On the other hand, the following are some critical questions concerning children, young people and their relationship to 'electioneering':

- Should we promote children and young people's issues during political campaigns? If yes, should children and young people be involved in the process? If yes, in what way/s?

- How can politics remain controversial and debatable and relevant to children and young people without necessarily having to lock horns with partisan, prejudiced and bigoted political argumentation?
- How much politics should children and young people be exposed to?
- If we do not agree that children and young people should be exposed to politics, in what way should we bowdlerise their involvement?

In almost sixty interviews I have conducted, together with a number of focus groups with children and young people, meetings with the political party representatives and other persons, most of the stakeholders in this sector, if not all, insisted that the way forward should be based on the development of a set of guidelines to ensure (social) self-regulation rather than levying rules and directives governed by legislation.

The reasons for self-regulation emanate from the following;

- It is clear that there is cognizance and a general consensus that children and young people need to be 'protected' but they also need to be 'engaged proactively' both in terms of advertising and in terms of political participation particularly in electioneering.
- It is an accepted fact that the *UN Convention on the Rights of Children (1989)*, the *Broadcasting Act* and other pieces of legislation are frameworks that should be shielding children and young people satisfactorily, even though it seems there are gaps in the system that need to be looked into. There is willingness and readiness to ensure that children and young people are treated not as 'second class' or 'incomplete populaces', but rather should have an equal say on the way they would like to see their communities develop.

We need to be cautious with linking children and young people to the future. We seem to be hinting, in such a discourse, that it's the responsibility of children and young people to have a better future without realizing that 'this future' is embedded in past

policy decisions and social measures that are definitely not construed by children's actions.

Doriana Bezzina, Policy Coordinator, MEDE and Chairperson, Children's Policy

Media could mould their [children and young people's] identity.

Mary Ann Borg Cunen, Counselor, University of Malta

The following are broad inferences regarding 'advertising' in relation to children and young people:

- There is general consensus that there aren't enough safeguards and regulations that protect children and young people from advertising, both at a level of participation of all sorts (as actors, in photo shoots etc.), and within the notion of consumption.
- More time and effort need to be dedicated to the tutelage and instruction of children and young people on how they are to process and sieve advertising.
- Our system seems to lack exhaustive media education, and little, if any, knowledge is apportioned to children and young people on how to probe, scrutinize and filter the media when censorship does not seem to be effective anymore.
- Children and young people are at different levels of acquiescence.
- Social media is turning out to be the medium with the most popular access for children and young people even in terms of trend-setting and consumerism.

Jekk l-oġġett reklamati hu direttament u esklussivament għall-użu tagħhom bħal hrieqi jew ikel għat-tfal u r-reklam ikun wieħed intelliġenti u informattiv allura ma nara xejn ħażin. Iżda reklami għal prodotti mhux tad-dinja tat-tfal nemmen li jistgħu ikunu evitati.

Doris Azzopardi, Features Editor, il-Mument

On the other hand, when it comes to *politics*, these are the far-reaching wrap-ups;

- It is good that children and minors are socialised into political thinking, but everyone according to his/her prerequisite.

- Children and young people need to be protected from situations where they are 'used' as 'props' or as propaganda in political partisan activities, especially during electioneering.
- A distinction should be made between different ages of children and young people, and with it marked levels of involvement.
- We should avoid negative representations of children and young people in political ads. A repetition of the 'divorce campaign' representing children in that 'contest' should be avoided (see below).



- Parental/guardian consent is paramount, but children and young people should also be involved in this process.
- We are to avoid having children and young people enmeshed in a tokenistic manner at any echelon of the political campaigns.
- Children and young people should be discouraged from attending public manifestations without undue preparation from parents/guardians.

In essence, this dossier is about conceptualising and problematising the representation of children and young people as full citizens capable of rationalizing their own positions within these two very complex contexts; 'politics' and 'advertising' (Singer and Singer, 2001).

Participation is about having the opportunity to express views, influence decision making and achieve change.

Meaningful and Sustainable Child Participation – Stockholm (8/9/2008)

Unquestionably, children and young people should be actively engaged performers in both realms of 'advertising' and 'politics'. Indeed, the following 'articles' from the *UN Convention on the Rights of the Child* are at the core of this debate;

Article 12

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.

Article 13

1. 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.

....

Article 15

1. States Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Convention on the Rights of the Child (1989)

1.2 A 'FACE TO FACE' COMMUNITY

Le, definitivament u bl-ebda mod. It-tfal mhux biss ma għandhomx vot imma dak mhux l-argument. It-tfal għadhom ma ffurmawx opinjoni f'dik li hi politika u għalhekk mhux sewwa li jintużaw fuq billboards jew reklamar ieħor. Hemm imbagħad mod sottili kif jintużaw it-tfal li ukoll ma naqbilx miegħu. Xi leader ta' xi partit jakkarezza lit-tfal jew jilgħab magħom għar-ritratt. Assolutament le!

Doris Azzopardi, Features Editor, il-Mument

Dr Marilyn Clark, Social Psychologist, affirms that we are 'a face to face community' – in my opinion, a very apt observation. The report in question focuses on children and young people who are minors and it would be off-beam to assume that all children and young people are one homogeneous group. Nevertheless, they are still positioned within an exacting context. It is correct to state that this group share lifestyle similarities and yet portion very different interests, passions, qualities, social capital, cognitive skills, analytical abilities, social and familial backgrounds and aspirations, which contribute to

making the message and the way they understand it particular to every individual.

Professor Kenneth Wain, educator, philosopher and ethicist, compounded this argument by stating that there exists “an issue for the protection of minors” in this entire wrangle. Even so, he is completely contrary to a ‘nanny State’ whereby the Government would over-rule parental/guardianship rights and takes over certain decision-making responsibilities that are intrinsically linked to the parents/guardians. He even expressed his concern on having an Agency that pronounces whether a minor is seen or not on TV. He was obviously referring to that section of legislation in the *Broadcasting Act* whereby Agency *Appoġġ* is designated as the organisation responsible for the vetting of children and young people who are invited to share their experiences and be involved in shows intended to capture stories that have the potential to place them in a vulnerable situation.

As prompted in this report, children and young people are broadly and socially betrothed and generally ready to be engaged if given the opportunity. This in itself is reassuring. In fact this exercise is definitely not a knee-jerk reaction but a pivotal issue that merits our concentrated reflection. Naturally, the notion of partaking, (both in the ingesting of ‘advertising’ and in the consumption of ‘politics’), is crucial to help us target our policy efforts. In effect, the renowned *Educational Quality Improvement Program* (EQUIP) states;

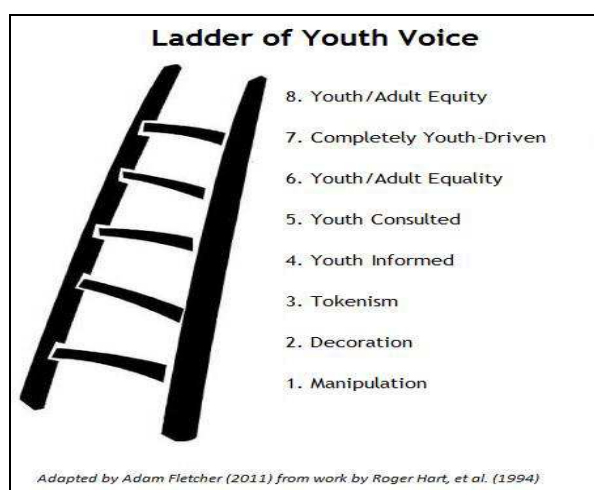
...youth participation refers to the contribution that young people make to the design and implementation of the policies and programs that affect them, their communities, and nations. Youth participation is an essential aspect of any successful youth development initiative and may manifest on a variety of levels.

<http://www.equip123.net/webarticles/anmviewer.asp?a=671&print=yes>
Accessed on 13/8/2012

1.3 CONCLUSION: LADDER OF PARTICIPATION

Roger Hart's (1992) 'Ladder of Participation' is a good way of summing up this section that presents the debate on the involvement of children and young people in 'advertising' and 'electioneering'.

Hart is notorious for this 'model' turned 'notion' on how we should understand and respond to the archetype of participation in relation to children and young people. It has been noted that Hart's standards may not always engage young people in the best way. The following is the 'Ladder of Participation';



EQUIP further reinforces this argument by stating;

It is important to recognise that the Ladder is not meant to represent the whole community at once. Instead, it represents each specific instance of youth voice. ... Roger Hart, a sociologist for UNICEF who originally developed the Ladder, intended the first three rungs to represent forms of *non-participation*. However, while the first rung generally represents the nature of all youth voice in communities with the threat of "attend or fail", there are more roles for youth than ever before throughout the education system. Rungs 6, 7, and 8 generally represent "young person/adult partnerships", or intentional arrangements designed to foster authentic youth engagement in communities. ... Today, youth are increasingly engaged as researchers, planners, teachers, evaluators, decision-makers, and advocates. With this knowledge in mind, the rungs of the Ladder can help youth and adults identify how youth are currently involved in communities, and give them goals to aspire towards.

<http://www.equip123.net/webarticles/anmviewer.asp?a=671&print=yes>

SECTION 2: CHILDREN IN ADVERTISING | RECOMMENDATIONS

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Convention on the Rights of the Child - Article 36

2.1 INTRODUCTION

Some countries, such as Sweden, have settled for a complete ban of children (under 12 years of age) as being 'targeted' for advertising (Aquilina, 2005). Norway, for instance, prohibits advertising during children's programmes. Essentially, the point here is that children under a certain age are considered unable to discern and identify the covert messages carried through different forms of advertising. However, the debate still centers round the need to establish what is acceptable and not in terms of marketing that children and young people are exposed to. It has also transpired that there are forms of advertising such as billboards, magazine and newspaper adverts, social media ads, amongst other, that are not regulated in any way and hence children and young people are not safeguarded well enough.

When it comes to social media ads it gets even more complicated. It is an acknowledged datum by most people I interviewed that it is very difficult to arrive at some form of regulation. Locally, advertising targeted at children and young people under the age of 18 years is tackled by the *Broadcasting Code for the Protection of Minors, 2000 Subsidiary Legislation 350.05 - S.L.350.05*. This is a wide ranging debate. For example, recently a controversy ensued in the UK after an obese 12 year old British boy was 'used' in a promotional poster for *Nike* as seen hereunder.



Quoting from the *Daily Mail*;

The 12-year-old, 200lb star of the latest Nike commercial has spoken out about his new-found fame and his surprise at learning there were people who had not reacted positively to it. ... Nathan Sorrell, from London, Ohio, sparked controversy appeared in a new TV spot for the sportswear giant during the Olympics, running slowly and desperately toward the camera with the tagline 'Find Your Greatness'. ... But though many viewers argued that it was 'degrading' to the youngster, Nathan himself says he considers it anything but.

<http://www.dailymail.co.uk/femail/article-2187960/Haters-motivators-200lb-12-year-old-star-controversial-Nike-ad-critics-inspired-stick-new-weight-loss-goals.html>

Accessed on 14/8/2012

Bezzina, a marketing specialist has this to say;

It really depends on what you mean by 'used' in advertising. If it's an advert targeting their parents or something targeting them (the children) and it is age appropriate, then I don't see why not. At the end of the day we're all members of a 'capitalist' society, and advertising is part of the game....the fundamental and operative word is however 'age appropriate'. I would go as far as saying that advertising which uses children needs to be as least manipulative as possible, but all advertising is manipulative to a certain extent, it all depends on how media savvy the children and their parents are when filtering such media messages. This is why I can never emphasize enough the importance of media studies (criticism and literacy) from an early age.

Alison Bezzina, Marketing Specialist and ToM Blogger

The ensuing *Table* taken from 'Raising Children' provides an understanding of where children and young people stand in terms of ads and how they can potentially affect their life. It provides relevant hints on how our policy needs to be developed. Zooming in on this *Table* confirms the apprehension that a number of psychologists, social workers, and politicians I interviewed have on how and in what way children and young people are to be exposed to marketing.

TABLE 1: CHILDREN AND ADVERTISING

Age	Children
0-2 years	<ul style="list-style-type: none"> • Can't tell the difference between advertising and actual TV programs
3-6 years	<ul style="list-style-type: none"> • Can identify an advertisement and distinguish it from programming, but don't understand that ads are trying to sell something • Tend to think of ads as being entertaining or helpful announcements • Won't generally be critical of the claims advertisers are making
7-11 years	<ul style="list-style-type: none"> • Can understand that ads are trying to sell them something • Can remember advertising messages, and can recognise some advertising techniques (such as overstating how good a thing is), but can't always defend themselves by questioning what ads are doing • Might not always understand that the product isn't as good as the ad says it is, or that the advertiser might not be telling them any of the bad points
12-14 years	<ul style="list-style-type: none"> • At 12, can usually understand the purpose of advertising, and are able to use ad information to decide what they want. Might not understand how advertising makes things more expensive, or might not recognise tricky product placement strategies • By 14, can understand how the marketplace works and can be sceptical about advertisers' claims

From: <http://raisingchildren.net.au/articles/advertising.html>

2.2 CHILDREN PROMOTE PRODUCTS

Young people and children often star in ads that promote a product or service. Lately, I came across a friend's post on the Facebook 'wall' stating that she was so happy her children were posing for a *Debenhams* shoot. The children were 3 years and 4 years old respectively. This was quite startling to me. But the truth of the matter is that parents/guardians in Malta still enjoy 'showing off' their children and are not keen or interested in shielding them from this type of exposure.

This does not exclude a well-accepted fact that advertisements are weaved within a strategy that continuously endeavors to attract the consumer's attention, varying from humor to particular physical features, amongst others. Within this discourse, it is important to note that it has been researched and repeatedly proven that marketing strategies increase the vulnerability of children (Singer and Singer, 2001).

In fact, marketing is based on tactics centred around feelings, namely, 'sympathy' and 'insistence'. Advertisers have in mind that young people, and to a certain extent children, influence the consumer patterns of the rest of the

family unit. Methods like stealth advertising, replication, attention-grabbing production features, celebrity endorsements, branded characters amongst others are all characteristic of effective but not necessarily morally bound techniques (Calvert, 2008).

It-tfal qegħdin madwarna l-ħin kollu; ma narax għaliex fir-reklamar jistgħu 'jintużaw' il-bnedmin adulti u mhux it-tfal. Hawn min iħoss li jiddejjaq meta t-tfal jintużaw fir-reklamar; imma l-limitazzjonijiet għar-reklamar inħoss li jxekklu l-libertà tal-espressjoni u fejn hemm dubju jew għażla bejn żewġ drittijiet, nemmen li għandna nxaqilbu lejn il-libertà u mhux lejn il-kontroll tagħha minħabba xi 'ħsara' li wieħed jista' jimmagina li ssir bl-eżerċizzju ta' dik il-libertà'.

Hu importanti, madankollu, li l-konsumatur ikollu għarfien tal-mod kif ir-reklamar jappella għall-istinti bażiċi tiegħu biex jikkonvinċih jixtri xi prodott jew servizz. Nemmen li aktar milli l-awtoritajiet pubbliċi jidhru jikkontrollaw l-użu tat-tfal fir-reklamar, għandhom jedukaw lill-pubbliku minn x'hiex għandu joqgħod attent fir-reklamar u x'tattiċi moħbijin jintużaw fir-reklamar biex jikkonvinċuh jixtri. Fejn wieħed żgur għandu joqgħod attent hu fir-reklamar immirat lejn it-tfal.

Hu ċar li qed ikunu żviluppati mezzi dejjem aktar sofistikati ta' reklamar biex jarawh it-tfal. It-tfal hawnhekk jintużaw bħala mezz biex jikkonvinċu lill-ġenituri tagħhom – bit-talb jew bil-qrid – jixtru xi prodott jew servizz għat-tfal jew għalihom. Hu ċar ukoll li ċerti ditti dinjin qed jireklamaw dirett lejn it-tfal bl-aspettattiva li la darba t-tfal jidraw b'ċerti prodotti (speċjalment tal-ikel) minn żgħar, jibqgħu jixtru dawn il-prodotti għal għomorhom kollu.

Hawnhekk naħseb li l-Istat jista' jkollu bażi aktar soda biex jillimita ċerti reklami mmirati lejn it-tfal għax it-tfal ma jkunux għad għandhom l-għaqal li jifhem li r-reklam hu biss appell biex tixtri xi ħaġa li inti tista' tirrifjuta li tixtriha. Fuq kollox, it-tfal mhux is-soltu jkollhom flushom x' jonfqu u għalhekk ir-reklamar immirat dirett lejn it-tfal hu mezz ċiniku biex il-ġenituri jkollhom jixtru ċerti prodotti bil-qrid tat-tfal.

John Zammit, Information Director, PN

Children and young people always leave the desired impact on consumers when they feature in ads. Advertisers and creative directors have a good understanding of the positive impact, in terms of commercial value, that this form of imagery elicits. During the discussions I held with stakeholders, many repeatedly and consistently stated that advertising directed at children can have ethical ramifications as children and young people of a certain age have not yet fully prescribed to maturity in terms of astuteness and shrewdness (Refer to Table 1: Children and Advertising).

First of all, children should not all be given the same label. Children are persons in their own right and their reasoned opinion varies with each child. More than on age, this depends on whether such a child has sufficient understanding and maturity ...

Dr Ann Marie Mangion (Children have a voice too, ToM, 13/7/2012)

Advertising, effectively like political disclosure, requires that children and young people have a 'tool set' on how to engage with advertising critically. There is always a danger that advertisers take advantage of this situation, essentially disregarding children and young people's well-being. What must be kept in mind is that promotional and publicity materials can be found in a variety of contexts that are easily accessible for children and young people, and are largely flooded with dispatches coming from all over, namely; online, billboards, newspapers, school magazines. This type of advertising is much tougher for children and young people to be critical of, whereby the product placement often eludes the direct responsiveness.

Skont x'tip t'advertising. Jekk ir-riklam jkun qed iwassal messaġġ dwar prodotti u servizzi li jolqtu lit-tfal jew lill-familja, ma narax problema. It-tfal huma t-teżor ta' kull ġenitur u għalhekk ma naħsibx li għandha tkun eliminata l-vuċi jew il-viżibilità tat-tfal fl-advertising. Jekk jintużaw għal skop ultra kummerċjali, naħseb ikunu qed jiġu abbużati. Għalhekk hemm bżonn il-kunsens tal-ġenituri f' kull każ.

Ma ninsewx li meta nsemmu 'riklam', minkejja l-iskop kummerċjali tiegħu, ma jfissirx li huwa negattiv. Eżempju, riklam tal-ħaxix ippakkeġġjat li juri lit-tfal jieklu ikel li mhux popolari ma' ħafna minnhom imma bżonnjuż. Jista' jkun hemm ukoll kampanji promozzjonali, eżempju, kontra t-tipjip. Dażgur li għandhom 'jintużaw' it-tfal biex jitwassal messaġġ favur is-saħħa.

Matthew Carbone, Head of News, One TV

Children and young people are potentially inclined to unwariness when faced with advertising messages, and may not yet have the required media literacy to decipher adverts and the covert content these companies may have 'in mind'. This hypothetically amounts to potential manipulation of this population who are on the receiving end. Attempting to get children and young people to become "cradle-to-grave" patrons is most certainly unethical and a 'no-go'.

Communication leads to exchanges among human beings. Language has been the primary conveyor of meanings in society. Signs and symbols are an enhancement of such a discourse.

Rev. Professor Saviour Chircop, Dean, Faculty of Media & Knowledge Sciences, UoM

2.3 REGULATING ADVERTISEMENTS

Jiddependi hafna fuq it-tip ta' riklamar. Naħseb li t-tfal għandhom jintużaw f'riklami li għandhom messaġġ pożittiv, bħal per eżempju affarijiet edukattivi, li jippromwovu valuri tajbin, s-saħħa fiżika u mentali, u ħajja li hija f'sintonija mal-ambjent. Per eżempju ma nħossx li t-tfal għandhom jintużaw f'riklam ta' xi logħba li fiha tintuża l-vjolenza. imma ma nara xejn ħazin jekk it-tfal jintużaw f'riklami li għandhom x'jaqsmu mal-familja, jew inkella ma' ġugarelli edukattivi jew kotba.

Francesca Vella, Journalist, The Malta Independent

Jiġu protetti t-tfal fir-reklamar?

Pierre Cassar CEO, Broadcasting Authority

Advertising, particularly on television, is aimed at children and young people, promoting products such as food, drink, music, films and clothing. This practice has increasingly received criticism. Banning advertisements during TV programmes may be an austere measure that our society may need to turn to in the future. Curbing advertising would guarantee a virtuous standard of programming. Yet, in this report I would like to affirm my faith in children and young people who are not credulous, but potentially shrewd consumers who can extricate between advertisements, if given the tools and the opportunity to do so.

Le, ma naqbilx li t-tfal ikunu wżati fir-riklamar, sakemm ma jkunux riklami maħsubin għal ħarsien tas-saħħa jew prevenzjoni ta' inċidenti jew mard. F'dan il-każ iva, għax huwa għan edukattiv / formattiv u jikkumplementa l-isforzi tal-ġenituri u l-edukaturi.

Philip Borg, Journalist, it-Torċa

This essential learning process is actually developed through accompanying children and young people in revealing commercials. Advertising for children and young people is a delicate and emotionally-charged matter because this population is effortlessly prejudiced and enjoys testing new things out. The propagation of products should be a concern for both policy makers and the general public.

2.4 THINKING POINTS ON CHILDREN AND THE IMPACT ADVERTISING HAS ON THEM

Children sell – they attract attention.

Roberta Zahra de Domenico, Psychologist and Family Therapist

I wouldn't like to remove parental rights but what I want to give is parental guidance.

Dolores Cristina, Minister for Education and Employment,

Naħseb li t-tifsira ta' 'utilizzati' għanda tkun aktar ċara. Dan għax jekk prodott ikun utilizzat esklussivament jew prinċipalment mit-tfal ma tagħmilx sens li f'advert ma jidruhx it-tfal... L-istess argument ukoll jista' jintuża għall- 'advertising' pożittiv tipo dak li jirrigwarda s-saħħa jew l-edukazzjoni. 'Advertising' pożittiv li hu mmirat speċifikament għat-tfal jagħmel ħafna aktar sens li jidhru fih it-tfal. Dan kollu wkoll irod jittieħed fil-kuntest ta' min huma dawn it-tfal, per eżempju kemm għandhom zmien?

Miriam Teuma, CEO, National Youth Agency

The following list of *Thinking Points* is intended to locate a number of principles:

- guarantee that advertising is clearly demarcated from actual TV and radio programming;
- uphold the fact that advertising has a tenacious influence on children and young people;
- ensure that advertising aimed at children and young people should not be barred but delimited;
- pledge that advertising is not aimed at negative social consequences;
- safeguard children and young people from the exploitative advertising leading to brainwashing;
- certify that companies avoid proposing consumption as the only purpose in the life of children and young people;
- warrant that the Government has direct involvement in preventing advertisements which contribute to problematic marketing in relation to children and young people;
- protect children and young people from ruthless marketing campaigns that target them unscrupulously and deceitfully;

- educate children and young people not to associate happiness exclusively with purchasing power and the possession of goods;
- consider banning marketing campaigns that seduce children and young people;
- discourage the use of adverts based on the notion of 'nag and whine' that are directed towards parents and guardians;
- avoid the use of representations whereby children and young people are seen as inferior if their parents/guardians choose not to purchase that/those item/s;
- campaign for responsible parenting that does not allow children (especially the very young ones) to engage in TV, computer and other passive media for an excessive period of time. Parents have to understand that monitoring what media their children are exposed to is *their* primary responsibility;
- gain the confidence of children and young people and their parents and guardians through effective but honest advertising;
- boost media education which has been shown to be effective in extenuating the adverse effects of advertising on children and young people;
- help children and young people through formal and in/non-formal education on how to become responsible consumers of media;
- keep in mind that age is not the only measure of maturity;
- confirm that children and young people do not become materialistic non-thinkers absorbing information from the media as if it always comes from genuine and well-intentioned sources.

Advertising is a pervasive influence on children and adolescents. Young people view more than 40,000 ads per year on television alone and increasingly are being exposed to advertising on the Internet, in magazines, and in schools. This exposure may contribute significantly to childhood and adolescent obesity, poor nutrition, and cigarette and alcohol use. Media education has been shown to be effective in mitigating some of the negative effects of advertising on children and adolescents.

Several European countries forbid or severely curtail advertising to children; in the United States, on the other hand, selling to children is simply business as usual. The average child views more than 3000 ads per day on television, on the Internet, on billboards, and in magazines.

http://communication.wsu.edu/mcmhp/pdf/AAP_statement.pdf
Accessed on 25/8/2012

The debate around children and young people's advertising has prompted the enactment of legislation over the years (Mueller, 1999). Legislators have introduced statutory regulations to limit advertising time on children's programmes, mandated by educational content of those programmes. Nonetheless, advertising to children and young people will become less controversial only when advertisers and parents/guardians assume mutual responsibility for its content and exposure. Advertising remains a portent that has a mammoth impact on society's advance.

2.5 THINKING POINTS ON CHILDREN AS PORTRAYED IN THE MEDIA

It is increasingly important to ensure that the way children and young people are portrayed in the media balances the commercial interests, the consumer information that all citizens have a right to, but in full regard of children and young people's right not to be exploited. Hence, the development of the following recommendations:

- ensure that children and young people who are involved in advertising campaigns are depicted in a positive and constructive way, without attempting to exploit or to warp the representation and experiences of this population thus keeping in mind the best interests of the children and young persons;
- follow closely what the UNHCR says in terms of rights and the protection of children and young people especially in Articles 32, 34, 36;
- establish on-going communication with the children and young people on how they want to be shown in advertising;

- ensure positive and age appropriate representation of children and young people in advertising;
- guarantee that no covert messages are being channeled via the use of children and young people involved in advertising.

2.6 CONCLUSION AND RECOMMENDATIONS

Ma nsibx problema li t-tfal ikunu involuti fir-reklamar, imma skont fuq liema prodotti.

Maria Muscat, Journalist, PBS

Advertising is spreading rapidly and occupying new areas of childhood and youth. As a consequence of advertising, children and young people might think that they are inferior if they don't have an endless array of the most recent products. This is further compounded by the way children are illustrated in the media. The whole enterprise of advertising should not be about creating insecure people who believe they need to buy goods to be happy. We also need to make sure that on the other hand children and young people who are directly involved as 'actors' or in photo-shoots are placed within the right frame of mind.

During the interviews, it was made clear, especially by psychologists, counsellors and family therapists that there is a potential collusion of ideas. On the one hand, children and young people have certain susceptibilities because of their age and how they conceptualise life and the cognitive abilities they have. On the other hand, some experts in the marketing sector feel that it is a commercial world anyway, and children should be exposed to that reality (Kaplan, 2004).

Advertising can also be seen as part of a broader learning process: 'why should we shield 'them' from the marketing experience that comes with making a purchase decision?' Having said that, this discourse needs to blend in with the way children are engaged in campaigning.

It is also important to note at this point that certain types of media are still generally unregulated, namely billboards, magazine ads, newspaper ads and social media, compounding the difficulty at hand to manage the way children are exposed in this form of media.

Idealment għandek dejjem tistaqsi lit-tfal jixtiqux ikunu parti minn kampanja ta' advertising. U idealment l-anqas jekk it-tfal jixtiequ, ma jfissirx li jistgħu jieħdu sehem għax it-tfal mhux f'pożizzjoni li jiddeċiedu x'inhom l-aħjar għalihom. Iżda mbagħad bl-istess argument, it-tfal għandhom jidhru fi programmi televiżivi jiddiskutu?

Jien ngħid iva iżda ninsisti li ma jkunx live għax it-tfal jgħidu affarijiet li żgur ma jkunux konxji li qed jagħmlu ħsara lilhom u lil ta' madwarhom. Xorta iżda tibqa' d-dilemma. Tfal bi bżonnijiet differenti għandhom jidhru fi programmi ta' ġbir? ... Qabel mat-tfal vulnerabbli jkunu se jidhru fil-Media jiltaqgħu mal-Aġenzija Appoġġ u jsir assessment biex jevalwaw jekk it-tfal humiex jifhmu l-impatt fuqhom.

Tibqa' xorta l-mistoqsija kemm hi etika u m'għandix twegiba. Iżda jista' jkun li wasal iż-żmien li biex it-tfal ta' taħt is-16-il sena jieħdu sehem anke f'reklami l-ewwel jkunu evalwati. Hawn tqum il-problema ta' tfal ta' 3 snin per eżempju. Fil-każ tat-tfal vulnerabbli mhux permess li jidhru. Iżda fil-każ ta' advertising kemm nistgħu ngħidu li t-tfal ikunu vulnerabbli? Iżda dan jgħodd wkoll għall-films, għat-tele-serials. It-tifla li ħadet sehem f'The Exorcist, minkejja li l-anqas hallewha tara il-film, kien ġust li tħalliet tiegħu sehem ġo fih?

Peppi Azzopardi, Journalist, WE

Essentially this report serves to advise the Office of the Commissioner for Children to take a stand in the form of direct campaigning with children and young people, setting up a media strategy and developing a protocol with the schools against increasingly manipulative and unequal marketing campaigns that pitilessly target children and young people from time to time.

The broad-ranging Recommendations on the impact of advertising on children are the following:

1. Schools through Citizenship Education namely, PSHE (NMF, 2011) and other related subjects in the curriculum, are to focus more effort on how children and young people are to analyze advertising and the covert messages that 'come with it'.

2. A national educational campaign 'targeted' towards parents/guardians of children and young people on how (a) advertising influences and impacts children and young people into buying and (b) the distinction between 'getting product information' versus 'being swamped by pseudo trend-setting'. This campaign should be run by the Ministry responsible for Social Policy in collaboration with the Commissioner for Children.
3. The care-related professions, namely psychologists, and those professions specialised in marketing and communications, in collaboration with the Commissioner for Children provide training for their members on the ethical principles that should guide their participation in brand and commercial development.
4. It is suggested that 'we' increase the promotion of positive advertising based on community initiatives that invoke the affirmative contribution of children and young people to balance out oppositional advertising.
5. A study needs to be commissioned by the Commissioner for Children to look into ways how social media could be regulated further to protect children and young people from coarse coverage. So far this medium is generally unregulated.

The broad-ranging *Recommendations on the representation* of children in advertising are the following:

1. The setting-up of a committee under the patronage of the Malta Competition and Consumers Affairs Authority (MCCAA) that will be responsible for the setting of standards to sieve all printed materials that either use children and young people to promote the products or are directed towards this population.

2. The *Press Act [Chapter 248]* should be amended to regulate advertising for children and young people within other media that are not covered by the *Broadcasting Act [Chapter 350]*, namely, billboards, on-line adverts and printed materials.
3. It is strongly recommended that we develop a system whereby company ads are filtered and sanctioned by the MCCA and consequently awarded a children and young people friendly-mark. This initiative should also see the involvement of the Office of the Commissioner for Children.
4. Children and young people should only be involved in direct advertising upon informed consent given by the children and young people and their parents/guardians.
5. Children and young people should only feature in advertising campaigns if the issues are directly related to this population and not used as bait for adults to consume.
6. It is important that, as much as possible, in delicate advertising related to health and social services, stock photos are used to avoid the negative effects of labelling.

SECTION 3: CHILDREN IN ELECTIONEERING | RECOMMENDATIONS

It shall also be the duty of the Authority to produce properly balanced discussions and debates that afford access to persons from different interest-groups and with different points of view"

Article 13(4) of the Broadcasting Act

It shall also be the duty of the Authority to produce properly balanced discussions and debates that afford access to persons from different interest-groups and with different points of view"

Article 13(4) of the Broadcasting Act

3.1 INTRODUCTION: PLAYING ON EMOTIONS?

I would like to start this section with the way European Platform of Regulatory Authorities (EPRA) probes the present-day political scenario. This synoptic appraisal will give us a bird's eye view of what is happening locally in comparison and in contrast with other countries.

First, this organisation states that Malta has no legislation that defines political advertising. This situation is similar to that in Austria, Bosnia and Herzegovina and Denmark amongst others. Secondly, within this same debate it is claimed that Malta together with other countries, namely, France, Germany, Denmark and Belgium have a prohibition on paid political advertising. The argument centres around the notion of avoiding divisiveness. This ban as per other countries, namely, Isle of Man, Israel, Spain and the UK is a wide-reaching injunction on political advertising. Thirdly, in Malta, as stated in this same position paper, "the ban applies permanently except for such approved schemes of political broadcasts." Naturally, Malta, like the majority of countries quoted in this study, allocates free time for political parties and candidates (23rd meeting, Elsinore, Denmark, EPRA, 2006).

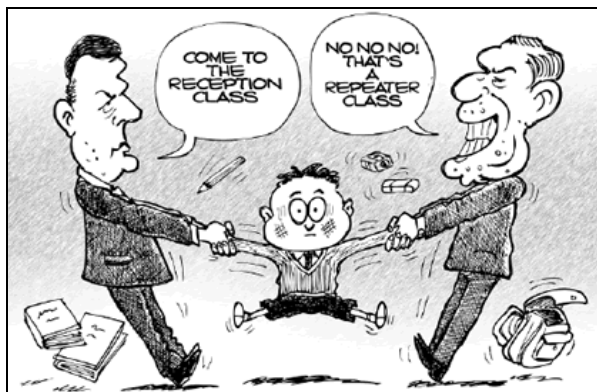
When this entire debate zooms in on political electioneering in relation to children and young people, one would start identifying a number of disputes. Undoubtedly, in our legislation, as Professor Kevin Aquilina, Dean of the Faculty of Law, explained, there is nothing that stops or orders the participation of children and young people in politics. He reiterated that it becomes even more difficult to regulate when parents give consent to their children's involvement (Paik, 2001).

The State, according to Professor Aquilina, and I tend to concur, should only be involved in extreme situations when the parents'/guardians' decision is overruled. An important reflection we need to make within this milieu is whether the engrossment of children and young people is a legitimate one. We also need to echo the crucial role that lies with the journalists, presenters, producers and all those involved in 'projecting images' that need to engage in ethical correctness.

How can we identify if children want to be involved or not? How can we really get children to express themselves?

Professor Paul Pace, Deputy Dean, Faculty of Education

For example, a theme that was discussed at length during the general elections of 2008 was the debate between the MLP's proposal for a 'reception class' versus the interpretation of the PN that this would be a 'repeater class'. In this entire hullabaloo I wonder how much consultation took place with children and young people at the time on an issue that affects them directly.



<http://www.maltatoday.com.mt/2008/02/24/editorial.html>

Accessed on 28/8/2012

Hemm xi ħaġa li ddejjjaq lil ħafna nies li t-tfal ikunu involuti fix-xena politika. Illum jidher li f' Malta għandna ċertu konsensus li t-tfal inżommuhom daqsxejn 'l bogħod mir-rough and tumble' tal-politika. ... Fit-teenage years ikollohom żmien aktar minn biżżejjed biex jiffurmaw opinjonijiet politiċi – ħafna drabi influwenzati mill-ġenituri tagħhom – sakemm jibdew jivvutaw.

John Zammit, Information Director, PN

Ma hemmx dubju li t-tfal tal-politiċi huma diġa involuti 'għax missierhom" jew 'ommhom" qiegħed hemm fil-pubbliku. It-tfal l-oħra jisimgħu l-kritika fuq il-politiċi missierhom u jafu jirrepetuha. ... X' hemm negattiv li t-tfal tal-politiċi jidhru magħhom f'ritratti tal-kampanja? Il-votanti għandhom id-dritt ikunu jafu xi stil ta' ħajja jgħixu l-politiċi? U għandhom ikunu jafu jekk l-istil ta' ħajja fuq il-leaflets tirriflettix dak il-mod li verament jgħixu?

Peppi Azzopardi, Journalist, WE

There are issues of brain washing that we need to take care of. We need to make a distinction between election year and the rest of the political tenure.

Roberta Zahra de Domenico, Psychologist and Family Therapist

Children should be informed about the Party's programs, what is happening in the Country affects them directly. [Children and young people] should be part of the political life of this Country.

Professor Kenneth Wain, Philosopher, Commissioner of VOs and Lecturer

Hon. Dr. Caruana MP had issued a Press Release (19/4/2012) essentially claiming that children should be shielded from political propaganda. Dr. Caruana also insisted that there is a need for two essential approaches at this point. First, ensuring that children have a voice, and secondly that this voice is captured by our communities. She states in another Press Release:

Dan ikompli jsaħħaħ l-argument li l-vuċi tat-tfal hemm bżonn li tinstema' u tiġi kkonsiderata skont il-Konvenzjoni u fl-assenza tal-liġi li tiggarrantixxi dan, it-tfal qed jiġu mċaħħda mid-dritt li jinstemgħu. (10/7/2012)

Naturally, children and young people may not always or exclusively be interested in partisan politics (or politics that stem from our aggressive and at times overwhelming political party influences) but they most certainly engage with the wider notion of politics, specifically social engagement, interest to change and transform, voice, power, positioning in society, roles, identity and relationships – which are all unswerving attributes of the political system.

Participation is about having the opportunity to express views, influence decision making and achieve change. Children's participation is an informed and willing involvement of all children..."

Meaningful and Sustainable Child Participation – Stockholm (8/9/2008)

This is essentially in tandem with the notion that;

Political advertising has become key to winning any political election, especially presidential campaigns. As Election Day draws near, voters are barraged by a plethora of political advertising. When the public turns on their TV, computer, or radio, when they walk outside, or when they look in their mailbox, political advertising is everywhere. Not only does it come from different places, but political advertising comes in many assorted forms as well. They might be attack ads or emotional ads or issue ads. There are almost no rules for political advertising.

....

Social networking and social media sites such as Myspace, Facebook, Searchles, and Eons (for mature audiences) have recently offered a new outlet for political candidates to reach out to the voting population. Although not all candidates have taken advantage of these networking sites, they are being used by many campaigns. Since the idea is fairly recent, candidates may not be using these sites to their complete advantage yet. Candidates reach out to the youth and a new generation of voters by using these social networking sites.

<http://library.thinkquest.org/07aug/00103/strategies.htm>

Accessed on 25/8/2012

With this knowledge in mind, children and young people can identify how they are involved in communities and in what way they relate to the notion of political debate. But in all the argumentation that encapsulates children and young people in politics and electioneering, the following considerations need to be taken on board;

- Children and young people are from time to time coerced and exposed by society to political advertising unashamedly;

- Children and young people are browbeaten by political parties and politicians to 'adorn' their activities rather than getting children and young people betrothed in such events;
- Children and young people are habitually subjugated irrelevantly by political parties and politicians to reinforce the fabricated perception that the former are important actors in this social project, while this is often not the case in practice.

They should be taught how to filter political speeches and why some politicians might act one way and another.... and not in the red and blue kind of way but rationally and as objectively as possible. They should be made aware of the power of political parties and what political scene exists....in the grander scheme of things. They should obviously be involved and included when it comes to drawing out an electoral manifest....adults don't always know best.

Alison Bezzina, Marketing Specialist and ToM Blogger

3.2 CHILDREN AND YOUNG PEOPLE ARE SOCIETY'S BUILDING BLOCKS

Li jkunu edukati fuq xi tfigger politika fis-sens sħiħ tal-kelma, iva. Imma anki hawn irid ikun hemm metodu u kontenut rigoruż li jgħalliem dwar l-andament korrett tal-amministrazzjoni politika u l-komportament xieraq u san bejn ċittadini indaqs, bla qasmiet skont razza, kulur, twemmin eċċ. Meta mbagħad il-politika ssir partiġġjana, jibdeu il-qasmiet u l-kontroversji, tidhol il-pika u tista' tinbet il-mibgħeda.

Philip Borg, Journalist, it-Torċa

Kemm jista' jkun le, imma jekk jissemmew f'kuntest ta' edukazzjoni, sport, kultura u aspetti oħra li b'xi mod jew ieħor ikollhom x'jaqsmu magħhom it-tfal, allura ma nara xejn ħażin. Biss inħoss li l-politiċi għandhom jillimitaw ruħhom, u jużaw it-tfal fid-diskors u mhux jippużaw mat-tfal. Lanqas ma nħoss li għandu jkun hemm wisq użu ta' ritratti tat-tfal f' materjal politiku.

Francesca Vella, Journalist, The Malta Independent

Politicians tend to make decisions that affect the lives of children and young people without consulting them or providing the anticipated opportunities for vigorous involvement in the political process.

Dejjem jiddependi x'tifhem meta tuża l-kelma 'politika'. Fuq laqta partiġġjana, le. Imma għaliya l-'politika' għandha tifsira differenti. Nemmen li t-tfal għandhom ikunu involuti fil-'politika' mill-lat edukattiv – eżempju fuq it-tagħlim, kif jaħdem parlament jew f' inizjattiva pożittiva bħat-tindif ambjentali jew b'riżq tfal oħra bħalhom b'diżabbiltà. Għandhom ikunu involuti għax naħseb li tgħinhom fl-iżvilupp tagħhom. Fl-opinjoni tiegħi eżempju tal-'politika' li tinvolvi t-tfal huma l-lezzjonijiet privati b'xejn li qed jagħtu l-kumitati tal-PL fin-Naxxar u Raħal Ġdid għal dawk li se jagħtu r-resits.

Matthew Carbone, Head of News, One TV

Children and young people are curious about the world, and it seems that no matter how much information you give them they continuously seek more. In other words, we cannot stop them from accessing politics and we should not do so.

Political views are typically picked up by children and young people from their parents. Locally, the 'Party' is still very much a family legacy, and crossing over or challenging the 'party ideals' is like confronting the family. However, this leaning seems to be changing steadily and children and young people are starting to look at politics within a party and not a party within politics. Regardless of a parent/guardian's political affiliation and viewpoint, it is only fair to educate children and young people about the bigger picture, so they can grow to be well-versed and accomplished in making their own pronouncements.

It-tfal għandhom jithallew barra – mhux biss mir-riklami jew filmati 'politiċi', imma wkoll fl-avvenimenti pubbliċi jew tal-massa, mill-argumenti sħan fid-dar stess u fil-klassi tal-iskola. Jekk it-tfal ikunu involuti b'dan il-mod, se jtilfu ħafna mill-innoċenza u rettezza f'età vulnerabbli fejn jiddakkru mill-preġudizzji u jikkorrompu l-mentalità u sens ta' ġudizzju tagħhom dwar kull ħaġa – mhux skont il-valur intrinsiku tagħha, imma skont min jagħmilha...

L-uniku xenarju fejn tfal jistgħu jkun INVOLUTI f' riklamar 'politiku' hu meta tkun trid tingħata promozzjoni pubblika lil xi ħaġa tajba li għamlu t-tfal frott ta' 'teamwork' tajjeb u ta' inklussività sħiħa bejniethom. Hemmhekk iva, huwa tajjeb li jkun riklamar is-suċċess ta' sforz kollettiv minn età kmieni li jista' jfisser "ċanfira" lill-adulti li ma jafux jaħdmu hekk, mingħajr preġudizzji!

Philip Borg, Journalist, it-Torċa

We also need to factor in the verity that children and young people might find politics boring. Consequently, finding ways how political resolutions impact them and their family is an efficient method of not only attaining children and young people's interest, but also showing 'them' that they need to be involved in political affairs. In fact, Professor Valerie Sollars, Dean of the *Faculty of Education* poses two pertinent questions; 'Do children really have a voice? Do children really have a right to say 'no'?'

One of the greatest gifts our society can bequeath to children and young people is the motivation to be an active part of their community. Coaching children and young people on the responsibility and enfranchisement of polling will carry through with them throughout their adulthood (Roche, tucker, Thomson and Flynn, 2006). Most children and young people are sufficiently instinctive to recognise that having the power to be involved in balloting in the future entails that they have a responsibility to understand why they want to vote for someone.

Le ma narax x' ġid jistgħu jieħdu minn esperjenza simili. Ikollhom żmien aktar 'il quddiem. Biss nemmen li meta qed ngħid tfal qed nirreferi għal tfal żgħar għaliex fl-adoloxxenza diġà jibda jkollhom opinjoni u tajjeb li jsemmgħu lehenhom minkejja li m'għandhomx vot.

Doris Azzopardi, Features Editor, il-Mument

In everyday life we use various sources of news, both informal (friends, family, people around us) and formal (newspapers, radio, TV, internet). More people are turning to the internet to obtain their news.

Hon. Evarist Bartolo MP, PL and Media Specialist

It is a recognised fact that children and young people learn about politics through conversation. Discussing with children and young people gives them a chance to ask questions and to debate, and subsequently form their own viewpoint. Children and young people need to be encouraged to think freely, even when it pertains to strong political topics.

3.3 ENGAGING CHILDREN AND YOUNG PEOPLE

Children and young people deserve to be involved in all aspects of their community. We need to engage children and young people and help them move away from a debate that is founded on political parties to one that debates ideas but is at all times age-related.

It-tfal għandhom jiġu introdotti lejn il-politika sa minn kmieni, permezz ta' kurrikulu edukattiv (kif fil-fatt huwa propost fil-kurrikulu il-ġdid) li jippermettilhom jesploraw x' inhi l-politika lil hinn mill-partiġjanizmu li forsi xi kultant nassoċjawh mal-politika. Hemm diversi għodod li bihom it-tfal jistgħu jiġu involuti fosthom per eżempju l-parlament taż-żgħażaġħ (minn 14-il sena 'l fuq) jew il-kunsilli lokali taż-żgħażaġħ (minn 14-il sena sa 18-il sena).

Permezz ta' dawn it-tfal jibdwew jifmhu aktar xi tfigger politika, jew li wiehed jagħmel il-politika billi jiskopru prinċipji baziċi bħat-tħaddim tad-demokrazija eċċ. Barra minn hekk wiehed irid iżomm f'moħħu li bħal bqija tas-soċjetà t-tfal huma effettwati direttament bil-politika, għalhekk għandhom ikollhom lehen, f'dak li jolqothom kemm direttament u kemm indirettament. Eżempji prattiċi u ċari li żgur li hallew impatt pożitiv fuq it-tfal kienu l-konsultazzjonijiet li saru magħhom fuq issues bħat-teen parties u l-pensjonijiet.

Fiz-żewġ ċirkostanzi t-tfal urew maturità fil-ħsieb u għatx biex ikunu involuti aktar. Wiehed xorta waħda jrid jieħu l-età tat-tfal f'kunsiderazzjoni. Naħseb li t-tfal għandhom jinżammu kemm jista' jkun 'il bogħod minn dak kollu li hu partiġġjan. Jekk il-partecipazzjoni ssir wara u meta t-tfal ikunu trabbew f'ambjent li fih wiehed jista' jiddiskuti u jikkritika sabiex iġib il-bidliet soċjali li jkun hemm bżonn naħseb li mbgħad iva t-tfal għandhom ikunu parteċipi anke f' kampanja elettorali.

Ovvjament b' ħafna riservi u kollox irid jimxi pass wara pass, l-ewwel irid ikun hawn awareness kbira fost it-tfal ta' x'inhil l-politika biex imbagħad naslu biex dawn jipparteċipaw f'kampanja elettorali, dejjem minħabba l-element partiġġjan. L-età hija importanti ħafna f'dan ir-rigward.

Miriam Teuma, CEO, National Youth Agency

Il-politika għandha titħalla għall-politikanti. Personalment inħoss li la t-tfal huma taħt l-età sabiex jivvutaw...m'għandhomx ikunu nvoluti fil-politika.

Brandon Pisani, Journalist, ONE TV

The notion of community commands increased children and youth participation (Draft, *National Children's Policy*) in politics, aligned with educational opportunities at formal levels without excluding the in/non-formal methods to analyse political concerns (Singer and Singer, 2001).

It is a prerequisite to connect the complex issues that envelop community. Such issues are a reflection on how the equitable politicising of children and young people in Malta through community education can become a way for the regeneration of society.

Jekk il-partiti jridu jwasslu messaġġ non-politiku għat-tfal, ma narax problema li jwassluh it-tfal stess. Anzi nemmen li jridu jkun t-tfal li jsemmgħu leħnhom dwar il-politika tal-partit fuq it-tfal. F' kull każ, nemmen li xorta jkun hemm bżonn il-kunsens tal-ġenituri. ... huwa biss jekk jintużaw għal skop ultra-partiġġjan li naħseb li t-tfal ikunu qed iġu abbużati.

Matthew Carbone, Head of News, One TV

Civil engagement makes children and young people more confident and puts them in charge of their lives and better able to contribute to their local

community. In effect, schools and voluntary organisations should assemble active links between and across communities, with political education as a focus.

So now aged nearly six, my daughter knows the basics: that we choose people every five years to be leaders and these will set the rules we have to follow. She recognises Lawrence Gonzi and Joseph Muscat when she sees their picture. And she knows that Gonzi is at the moment the 'boss' of Malta. She knows that soon there will be an election – and we'll vote – by marking with a pencil – for the person whose ideas we like best.

Of course I do not sit her down and preach the notions of 'electoral programmes' and 'party policies'; instead I tell her that we can vote for the one who promises more playgrounds, more trees, more books in libraries and so on so forth (far-fetched I know, but white lies are permissible every now and then).

According to an acquaintance, I am "spoiling the child's innocence". But I can't see how. It's not that I'm fuelling her with hatred against any politician. I'm just explaining to her how our democratic society works.

Kristina Chetcuti (*Should we talk politics to kids*, ToM, 10/6/2012)

In all truth, children and young people are automatically involved in the political scene and there exists no blueprint to keep them out. Whether it's about policies that regard them directly or indirectly or because they form a pivotal part of society, children and young people are always at the centre of this debate and consequently are involved in politics (Kaplan, 2004).

Regrettably, the impression I get is that children and young people are still not very much involved in the opinion-forming, decision-making processes, and are hardly consulted. We seem to hold the opinion that politics is a 'thing' for grown-ups, when in reality, politics, not the petty partisan type, is part and parcel of social life, and children and young people should be involved, educated and consulted (always in the right forum and with an age-appropriate approach).

Just like Media Studies, Political Studies is another subject that should be re-introduced at an earlier age than it is, with more up-to-date pedagogies as opposed to the current historic and dogmatic approach.

Ideally children should not be involved in petty politics, but at a certain age they should be made aware of their existence including the international scene.

Alison Bezzina, Marketing Specialist and ToM Blogger

L-elezzjoni hija xi haġa għall-adulti u t-tfal m'għandhomx ikunu esposti...għalkemm fl-outcome....il-politika ha teffetwa lit-tfal. Hija r-responsabilta tal-adulti li jaraw li ma jkunx hemm effetti negattivi fuqhom.

Sina Bugeja, CEO FSWS

Jekk il-Prim Ministru jew il-Kap tal-Oppożizzjoni, fil-kampanja elettorali, jagħmlu laqgħa mat-tfal Maltin biex jifhmu x'jixtiequ u din tkun pubblika, allura dawn it-tfal qed jipparteċipaw fil-kampanja elettorali? Għax ngħiduha kif inhi, din taf tkun saret biex il-politiċi jidhru demokratiċi eċċ. Imma allura t-tfal għandhom ikunu fuq billboard ta' partit politiku? Imma t-tfal għandhom ikunu fuq billboard ta' reklam ta' restaurant tal-familja? Għala ta' Partit politiku le iżda ta' bank lokali iva?

Naħseb li kollox jiddependi mill-billboard. Ma naħsibx li t-tfal għandhom ikunu użati f' billboards negattivi. Ma naħsibx li t-tfal per eżempju, għandhom jidhru f'kampanja tad-divorzju f'ritratt bejn koppja mifruda. Ma naħsibx li t-tfal għandhom jidhru b' wiċċhom jidher f'reklam kontra l-vjolenza domestika. Iżda naħseb jistgħu jidhru f' billboard li jirreklama l-avvanz fl-edukazzjoni jew il-proposti fl-edukazzjoni ta' partit li jaspira jkun fil-Gvern.

Peppi Azzopardi, Journalist, WE

Teaching children and young people about politics empowers them to be leaders in the transformation of their communities.

3.4 THINKING POINTS FOR CHILDREN VIS-À-VIE POLITICS

Le, it-tfal m' għandhomx ikunu użati, speċjalment waqt xi kampanja...msieken tant tfal li naf personalment li jiġu użati mill-ġenituri tagħhom minħabba l-fissazzjoni politika tagħhom.

Maria Muscat, Journalist, PBS

The more media coverage there is during an election, the more children and young people need to be aware of who is contesting the election and what 'they' stand for (Huntemann & Morgan, 2001). Instead of simply telling children and young people their voting intentions, parents/guardians need to encourage children to discuss the pros and cons of the manifesto that each party will be putting forward, especially in the areas that affect them directly. If

children and young people are to ripen their notion of citizenship, the role of politics is crucial to confirm that the issues of identity and diversity are addressed explicitly. The process of dialogue and communication must be central to pedagogical strategies for their active participation in civil society.

The following are an assortment of *Thinking Points*:

We need to;

- ensure that children and young people remain curious about the World;
- pledge a commitment whereby all political parties and politicians put children and young people before partisan propaganda;
- keep in mind that no matter how much information you give children and young people, they are continuously seeking more;
- appreciate that political views are picked up by children and young people from their parents/guardians;
- recognise and appreciate that regardless of a parent/guardians' political affiliation and viewpoint, it is only fair to inform children and young people about the bigger picture so they can grow to be informed;
- find ways how the political debates are transposed to children and young people;
- give children and young people the tools to create a critical political mind;
- respect children and young people's ability to discern and understand what they want for themselves and their communities;
- appreciate the delicate and tension-filled moments children and young people can find themselves in during election campaigns;
- do away with the myth that children and young people are mindless;
- recognise that social media is growing in importance within this debate but little exists in terms of regulation and control.

Media is part of our lives and thus one cannot keep children away from media. This would not be healthy. Political issues are also part of our daily lives and we cannot expect children not to absorb the messages going round. Thus, we need to educate children on how to become critical thinkers about the world around them: this includes media and political issues.

Micheline Sciberras,
Director General, Education Department

3.5 RECOMMENDATIONS

The broad-ranging *Recommendations* are the following:

1. Political Parties are to commit themselves, as much as possible, to refrain from using children, particularly those under 8 years of age, in political campaigning unless the issues are evidently correlated to children.
2. Children and young people's images used in political ads are to be, as much as possible, retrieved from stock photos to avoid possible labelling, bullying and any other negative impact.
3. The *Press Act [Chapter 248]* is to be amended to include the setting up of a Commission that will have the responsibility to oversee and monitor political party propaganda (billboards and other printed materials and social media campaigning) involving children and young people in the build-up to the general elections, referenda and local council elections. It is recommended that all political publicity material that involves children and young people is screened prior to publishing or broadcasting by the said Commission as established by the *Press Act [Chapter 248]*. A thorough, exhaustive and mandatory screening process needs to be undertaken by media assessors.
4. In view of this, we are recommending that the MCCAA take on the role of establishing the standards of the content of political publicity material that to date is not controlled by the *Broadcasting Act*, namely, printed ads on newspapers and billboards. This would be an instrument to ensure the fitting portrayal of children and young people's representations.

Negative exemplifications are to be eliminated completely. The MCCAA, under the Ministry for Fair Competition, Small Business and Consumers, is best placed to take on this role in setting and supervising standards. A children and young persons' ethics board should be set up as part of this procedure.

5. The Minister responsible for Social Policy, in collaboration with the Commissioner for Children, will embark on a national media information campaign with the objective of educating the general public on how children, young people and their families are to grasp and analyze political messages.
6. Political parties are to be encouraged to have a children-and-young-person-friendly version of their political manifestos, and are to commit themselves to making it available in a variety of accessible formats (including large print and audio). Political parties are also to be encouraged to meet with children and young people between the ages of 12 and 18 years, to discuss their political programs, which meetings should be consented to by the children themselves and their parents/guardians.
7. Preferably, children and young people under the age of 16 are not to be included as a 'backdrop' (seated or other) during election-time political party events.
8. The *Institute of Maltese Journalists* (IGM) in collaboration with the Commissioner for Children should offer concept training to photographers, camerapersons, reporters and journalists on how children and young people should be embodied in the images they capture.
9. The Ministry for Education and the Commissioner for Children are to keep building on the work that is currently being done *vis-à-vis* children's rights both within the *National Curriculum Framework* proposals and through direct schemes being taken up by the CfC. It is recommended that a shared strategy should ensue.

10. It is advised that all proposed legislation directly relevant to children and young people is in a format suitable for this particular population. It is recommended that the Parliamentary Offices be responsible for this initiative.
11. The well-designed '*EkoSkola* parliamentary session', the '*National Youth Parliament*' and the '*Youth Local Council*' models are all valid and successful concepts. Consequently, we recommend the setting up of a National Children and Young People's Assembly under the auspices of the Parliamentary Offices in collaboration with the Commissioner for Children. This Assembly, representing children and young people from all over Malta and Gozo, will meet regularly to provide an opportunity to filter all proposed legislation relevant to children.
12. Political parties and political candidates need to fill in a detailed, exhaustive and comprehensive consent form not only signed by the parents/guardians but also by the children and young people who intend to participate in newspaper, billboard, TV and other political ads.
13. The informed consent procedure in schools and in NGOs needs to include the children and young people's signatures as well, especially when the event is political and public.
14. It should be clear with the producers, designers and station managers that they have a responsibility towards children and young people especially during electioneering. None of the photos and films should be used in contexts other than those specified in the initial agreement.

3.6 CONCLUSION

We need to be cautious and attentive to ensure that children are not exploited. ... We want children to participate. ... I agree that children need to see good politicians as role models.

Mario Mallia, Spokesperson for Education, AD

The repeated call for the protection and safeguarding of children and young people echoes in practically every interview, meeting and focus group I had

while drafting this document. Ensuring that we have the necessary safeguards to protect children and young people from malicious intent and exploitation is a responsibility we need to embrace.

L-involvement tat-tfal f'kampanja elettoralali (anki f' ritratt 'innocenti' ta' ministru jilgħab mat-tfal fil-klassi) ikun qed jesponihom li jkunu abbinati u identifikati ta' dak jew tal-ieħor. Min juża lit-tfal f' kampanja elettoralali jkun qed jużahom bħala lixka lill-adulti... biex jilħaq l-ewwelnett lill-famija estiża ta' dawk it-tfal u mbagħad il-familji lokali li għandhom tfal tamparhom... u għalih ma tfissirx għajr iktar voti.

Punto e basta! L-użu ta' tfal f'kampanji elettoralali jhalli effett kontagġjuż biex tinħoloq 'peer pressure' fost it-tfal stess. Dan ma jhallix spazju biex it-tfal jibqgħu ġenwinament jafu jiddistingwu bejn haġa tajba, haġa aħjar jew haġa aghar. Imma jattakka l-baži tal-innoċenza u l-ġenwinità billi jimpresjonahom u jgħidilhom "taħsbux b'moħħkom, imma aghmlu kif għamilt jien... mhux kif tisimgħu lill-ġenituri tagħkom, imma kif għamilt jien!"

Philip Borg, Journalist, it-Torċa

It would be appropriate for relevant authorities, particularly the Commissioner for Children and the Police Commissioner to investigate, if the parents or guardians of the children shown were informed ahead of time and whether they gave their consent for the children to be included in such published material or broadcast in the media. Depending on the outcome, legal proceedings should be initiated if it results that violations took place.

Hon Justyne Caruana (ToM, 2/5/2012)

SECTION 4: GENERAL CONCLUSION

As the Convention contends, children not only have the right to express their views, but also have the right for their views to be listened to. Sitting in the hot seat: Politics, policy, practice in political education

Doriana Bezzina Policy Coordinator, MEDE and Chairperson, Children's Policy

Il-politka ħadet it-teknika tar-reklamar ... Li t-tribalizmu nikkultivawh fost it-tfal huwa ħażin. Kummenti b'hal 'Viva Joseph' u 'Jaqq Gonzi' huma ħżiena. Irridu nsibu mezzi kif il-partiti politiċi jirregolaw lilhom infushom. ... Irridu nkunu attenti li ma neliminawx l-umanità minn fost it-tfal.

Hon. Evarist Bartolo MP, PL and media specialist

It was more than apt that the *Commissioner for Children* has taken it upon her Office to conduct a study on the issue of 'advertising' and 'political electioneering' and the impact on children and young people. In fact, as quoted in Aquilina's paper published in the *Mediterranean Journal of Human Rights*, Volume 9, No 1, 2005, pp. 81-120:

The said Commissioner is entrusted, *inter alia*, with promoting 'compliance with the *United Nations Convention on the Rights of the Child* as ratified by Malta and with such international treaties, conventions or agreements relating to children as are or may be ratified or otherwise acceded to by Malta...'

As Jason Micallef, Executive Director of One Productions duly noted, "Using children as props is a no-go. Children and young people need to be involved – it's the 'how' that is important". Minister Dolores Cristina further corroborates this notion as stated in the *Draft National Children's Policy* introduction:

An inclusive society demands that children play an integral part in all aspects of society, and this involves the commitment of all. We cannot have a vision for society that places the interests and needs of children at the centre if adults and the children themselves do not take a full part in the implementation of the Policy.

Both 'advertising' and 'politics' are two central issues in our lives and more so in the lives of children and young people. It is important that we keep this debate

alive. There are no clear-cut positions in such a complex debate; nonetheless a major shift has to be made that places the children and young people at the centre of this discussion.

It is a fact borne out of this report that children and young people form their impressions and their understanding of the world from the experiences they come across. In a world where media infiltrates every fragment of our social being, in a country where we inhale politics with every breath we take, it can either be perceived as an itchy incident or else it can become an occasion for children and young people to be dynamically engaged. At the end of the day, our target is to craft all the possible prospects for children and young people that will lead to 'them' being in control of their lives.

Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

(Article 24) The Rights of the Child
Charter of Fundamental Human Rights of the European Union (2010/C 83/02)

APPENDIX A: CONSULTED STAKEHOLDERS

The following is a list of the people I interviewed who come from an assortment of fields and specializations, namely, broadcasting, politics, legal, policy, marketing, academic, psychological amongst other.

- Anton Attard, CEO, PBS
- Doris Azzopardi, Feature Writer, il-Mument
- Peppi Azzopardi, Journalist, WE
- Hon Evarist Bartolo MP, PL
- Dr Romina Bartolo, CEO, NCPE
- Doriana Bezzina, Policy Maker, MEDE, Chairperson, Children's National policy
- Frans Borg, Permanent Secretary, Ministry for Social Policy
- Philip Borg, Features Writer, it-Torċa
- Alison Bezzina, Marketing Specialist and Blogger (ToM)
- Rev Dr Joseph Borg, Media specialist
- Benny Borg Bonello, President, Consumer Association
- Mary Anne Borg Cunen, Counselor, University of Malta
- Dr Paul Borg Oliver, Secretary General, PN
- Marie Briguglio, Environmental Economist, UoM
- Sina Bugeja, CEO, FSWS
- James Buhagiar, Coordinator, kelimni.com
- Dr Lorna Buttigieg, Legal Advisor, Ministry for Education and Employment
- Dr Ann Marie Callus, CEO, KNPD
- Hon Dr Justyne Caruana, MP, PL
- Pierre Cassar, CEO, Broadcasting Authority
- Professor Saviour Chircop, Dean, Faculty of Media & Knowledge Sciences
- Dr Marilyn Clark, Social-Psychologist, UoM
- Dr Maureen Cole, HoD, Dean, Faculty for Social Well-Being
- Helen D' Amato, Commissioner of Children
- Minister Dolores Cristina, Minister for Education and Employment
- Ian Deguara, Head, Technical, Data Protection Commissioner
- Joe Ebejer, Commissioner for Data Protection
- Aleks Farrugia, Editor, it-Torċa
- Fr Antoine Farrugia, Child Affairs Expert
- Ruth Farrugia, Manager, Agenzija APPOGG
- Dr Saviour Gauci, Marketing, UoM
- Salvu Gauci, Chief Electoral Commissioner
- David Lindsey, Editor, TMI
- Bryan Magro, Head of Secretariat (Minster Dolores Cristina)
- Abigail Mallia, Producer
- Mario Mallia, Spokesperson, AD and Head of School
- Yvonne Mallia, CEO, Agenzija Appogg
- Minister Chris Said, Minister for Justice, Dialogue and the Family
- Jason Micallef, CEO, ONE Productions,
- Marika Mizzi, Communications Officer, OPR
- Maria Muscat, Journalist, PBS
- Claudette Pace, TV, Presenter

- Professor Paul Pace, Deputy Dean, FoE
 - Brandon Pisani, Journalist, ONE TV
 - James Piscopo, CEO, PL
 - Minister Chris Said, Minister for Justice, Dialogue and the Family
 - Dr Tanya Sammut Bonnici, HoD Marketing, UoM
 - Professor Valerie Sollars, Dean, FoE
 - Micheline Sciberras, Director General, Education
 - Louiselle Vassallo, CEO, media, PN
 - Francesca Vella, Journalist, TMI(S)
 - Roslynn Vella, Coordinator, Ministry for Education and Employment
 - Rosalie Vella Piscopo, Social Marketing & Communications Department, FSWS
 - Roberta Zahra de Domenico, Family Therapist and Psychologist
 - John Zammit, Information Officer, PN
 - Rev Dr Ray Zammit, Ethicist
-
- 2 meetings with Council of Children, Commissioner for Children
 - 3 focus groups with children
 - Meeting with parents
 - Meeting with the political parties (PN, PL, AD) to discuss draft document

APPENDIX B: **CONSENT FORM FOR THE TAKING OF AND USE OF PHOTO/VIDEO IMAGES OF STUDENTS**

Consent Form for the taking of and use of photo /video Images of Students

Details																	
Name of Student																	
Name of Parent or Legal Guardian																	
<p>From time to time the school will require to</p> <ul style="list-style-type: none"> • take photos of its pupils during school activities • film school activities including its pupils taking part • use photos it has of pupils so that these will appear in publications of the school or in newspapers • use photos for the school website or the websites of the College or of the Education Directorates <p>So that the school will be working in accordance with the Data Protection Act of 2001, it requests your permission to use the above mentioned photo/video images. Please answer the following questions and then sign and write down the date in the space provided on this form. This consent can be revoked by you at any time in writing. This form is to be returned to the Head of School.</p>																	
	<table border="1" style="margin: auto;"> <thead> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> </thead> <tbody> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </tbody> </table>	Yes	No														
Yes	No																
<p>1. Can we take photos of your child during school activities?</p> <p>2. Do you give permission for your child to be filmed during school activities?</p> <p>3. Can we send photos and videos of your child to newspapers and television stations to be able to show school activities in the media?</p> <p>4. Can we use/publish photos of your child in publications (newsletters, magazines, etc.) or on notice boards, belonging to the school, and/or college, and/or the Education Directorates?</p> <p>5. Can we use photos of your child on the school website?</p> <p>6. Can we use photos of your child on the website of the College and/or the Education Directorates?</p> <p>7. Can we use photos of your child on other selected websites? (The identity and details of the child will remain anonymous)</p>																	
<p>Signature _____</p> <p>ID No: _____</p>																	
Date	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="font-size: 20px; margin: 0 5px;">/</div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-right: 5px;"></div> <div style="font-size: 20px; margin: 0 5px;">/</div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> </div>																
<p>Data Protection Statement</p> <p>This information is required for the school administration purposes. Information may be passed to the College of which the school forms part and the Education Directorates as required by law. It will be held in strict confidence both manually and on computer where only authorised staff can have access to it. The school, the College and the Education Directorates carry out their functions under the Education Act 1988. All data is collected and processed in accordance with the Data Protection Act 2001, other subsidiary legislation and the school Privacy Policy, a copy of which is available on demand.</p>																	

APPENDIX C: UN CONVENTION ON THE RIGHTS OF THE CHILD

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

Entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the Guideliness proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognised in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organisations concerned with the welfare of children,

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",

Recalling the provisions of the Declaration on Social and Legal Guideliness relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. 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.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, 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.

3. 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.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised 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.

Article 5

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 recognised in the present Convention.

Article 6

1. States Parties recognise that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. 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.

2. 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.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognised in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. 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.

2. For this purpose, 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.

Article 13

1. 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.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the Guidelines 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.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, 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.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. 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.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. 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.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognise and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognise that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. 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.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organisations or non-governmental organisations 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.

Article 23

1. States Parties recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognise the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. 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.

Article 24

1. States Parties recognise 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.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realisation of the right recognised in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognise the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognise for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realisation of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the Guideliness enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the Guidelines set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. 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.

Article 32

1. States Parties recognise 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.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

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.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognised as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realisation of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the Guideliness and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realisation of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of eighteen experts of high moral standing and recognised competence in the field covered by this Convention.^{1/} The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognised herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

^{1/} The General Assembly, in its resolution 50/155 of 21 December 1995, approved the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child, replacing the word "ten" with the word "eighteen". The amendment entered into force on 18 November 2002 when it had been accepted by a two-thirds majority of the States parties (128 out of 191).

APPENDIX D: BROADCASTING CODE FOR THE PROTECTION OF MINORS, SUBSIDIARY LEGISLATION 350.05

BROADCASTING CODE FOR THE PROTECTION OF MINORS		[S.L.350.05	1
SUBSIDIARY LEGISLATION 350.05			
BROADCASTING CODE FOR THE PROTECTION OF MINORS			
1st September, 2000			
LEGAL NOTICE 160 of 2000, as amended by Legal Notice 325 of 2010.			
1. The title of this Code is the Broadcasting Code for the Protection of Minors.	Citation.		
2. Expressions used in this Code shall have the same meaning assigned to them in the Act.	Interpretation.		
3. Broadcasts shall not include any programmes which might seriously impair the physical, mental or moral development of minors, and in particular they shall not include programmes that involve pornography or gratuitous violence.	Pornographic and violent programmes.		
4. The measures provided for in paragraph 3 of this Code shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission shall not normally hear or see such broadcasts.	Other programmes which impair the development of minors.		
5. When such programmes are broadcast in unencoded form, such programmes shall be preceded by an acoustic warning or shall be identified by the presence of a visual symbol throughout their duration.	Programmes broadcast in unencoded form.		
6. This Code refers to minors who are under eighteen years of age.	Definition of "minors". Substituted by: L.N. 325 of 2010.		
7. Teleshopping shall comply with the requirements referred to in paragraph 20 and, in addition, shall not exhort minors to contract for the sale or rental of goods and services.	Teleshopping directed at minors.		
8. Advertisements shall not include any material that may result in harm to minors either physically, mentally or morally.	General rule on advertisements and minors.		
9. Advertisements addressed to the minor listener and viewer shall not exaggerate or mislead about any features including the size, qualities or capabilities of products or services. A minor's ability to distinguish between fact and fantasy will vary according to their age and individual personality. With this in mind, no unreasonable expectation should be stimulated, such as for example, with regard to the performance of toys or games by the excessive use of imaginary backgrounds or special effects.	Misleading advertising.		
10. Prices of products or services advertised to minors shall not be minimised by words such as -	Prices.		
(a) only;			
(b) or;			
(c) just.			

Immaturity and credulity.	11. Advertisements shall not take advantage of the immaturity or natural credulity of minors.
Appeals to loyalty.	12. Advertisements shall not take advantage of the sense of loyalty of minors or suggest that unless minors buy or encourage others to buy a product or service, they will be failing in some duty or lacking in loyalty.
Inferiority.	13. Advertisements shall not lead minors to believe that unless they have or use the product advertised they will be inferior in some way to other minors or liable to be held in contempt or ridicule.
Exhortation.	14. Advertisements shall not directly exhort minors to buy products or services or else to ask adults to buy products or services for them.
Direct response.	15. Advertisements shall not invite minors to purchase products or services by means of a communication at a distance including mail, telephone, computer, e-mail or internet.
Competitions.	16. References to competitions for minors are acceptable provided that any skill required is appropriate to the age of the likely participants and the values of the prizes and the chances of winning are not exaggerated. No proof of purchase shall be requested from minors who wish to participate in such competitions.
Free gifts.	17. References to "free gifts" for minors in advertisements shall include all qualifying conditions, such as any time limit and how many products must be purchased, and any other relevant information.
Health and hygiene.	18. Advertisements shall not encourage minors to eat frequently throughout the day.
Confectionery and snack foods.	19. Advertisements for confectionery and snack foods shall not suggest that such products may be substituted for balanced meals.
Safety.	20. Any situations where minors are to be seen or heard in advertisements shall be carefully considered from the point of view of safety. It should be borne in mind that, in some circumstances, bad examples by adults may encourage emulation by minors. Circumstances to be avoided include the following: <ul style="list-style-type: none"> (a) minors shall not be seen leaning on windows, climbing or tunneling dangerously, or playing irresponsibly in or near water; (b) minors shall not be shown playing in the road; (c) minors of small stature shall not be shown climbing up to high shelves or reaching up to take things from a table above their heads; (d) medicines, disinfectants, antiseptics and caustic or poisonous substances shall not be shown within reach of minors without close adult supervision, nor may minors be shown using such products in any way; (e) minors shall not be shown using matches, or any gas, petrol, paraffin, mechanical or mains-powered appliance which could lead to them suffering any form

of injury;

- (f) advertisements shall not depict toy weapons which are realistic (whether in size, shape or colour) and which can be confused with real weapons.

21. No advertisement shall encourage minors to enter strange places or to converse with strangers. Danger.

22. Minors in advertisements shall be reasonably well-mannered and well-behaved. Behaviour.

23. Advertisements shall not encourage anti-social behaviour or depict minors behaving in an anti-social manner. Vindictiveness, bullying and certain facial expressions and body movements can all be defined as anti-social. Anti-social behaviour.

24. Advertisements shall not portray minors in a sexually provocative manner. Exploitative presentation.

25. Treatments in which minors appear naked or in a state of partial undress require particular care and discretion. Appearances of minors.

26. If minors are used in commercials, they shall not be used to present products or services which they could not be expected to buy themselves. Minors as presenters.

27. Minors shall not make significant comments on characteristics or products and services about which they could not be expected to have direct knowledge. Comments by minors.

28. Minors shall not personally testify about products and services. They may, however, give spontaneous comments in which they would have an obvious natural interest. Testimonials.

29. Advertisement for the following shall not be transmitted during minors' programmes or in advertisement breaks immediately before or after them: Restriction on times of transmission.

- (a) alcoholic drinks;
- (b) matches;
- (c) medicines;
- (d) vitamins or dietary supplements;
- (e) slimming products, treatments and establishments;
- (f) adult only rated film trailers;
- (g) lotteries or similar games of chance.

30. The provisions of this Code are without prejudice to regulations 5 and 6 of the Television Programmes (Classification Certificates) Regulations and to the Broadcasting Authority's Requirements as to Standards and Practice Applicable to Family Viewing and Listening. Television Programmes (Classification Certificates) Regulations, etc. Substituted by: L.N. 325 of 2010. S.L. 350.01 S.L. 350.18.

31. The Authority shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communication, accompanying or included in children's programmes, of foods and beverages containing Codes of Conduct Substituted by: L.N. 325 of 2010.

nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.
