

# MANIFESTO FOR CHILDREN



Kummissarju ghat-Tfal  
Commissioner for Children



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# FOREWORD

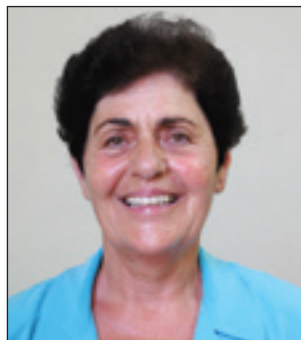
There has been a record consensus on the need to address children's issues. This is an area which transcends political differences.

Children are often directly or indirectly affected by the decisions, policies and actions that adults make, often without considering the way that these actions may be impinging on the present and future lives of children.

As adult citizens, we have an obligation and responsibility to protect children and promote their holistic development in the best way possible.

All children, irrespective of their race, gender, abilities or religion must be protected and given the opportunity to excel in their environment. Specific attention needs to be given to more vulnerable groups such as disabled children, children with behavioural problems, children coming from a disadvantaged background and refugee children.

When it comes to children, what you reap is what you sow. Investing in our children is not only worth doing for its own sake, but also is the surest way to guarantee that tomorrow's society is enhanced.



**Carmen Zammit**  
Commissioner for Children

# GENERAL RECOMMENDATIONS

- 1.** The Commissioner for Children Act was a great milestone in the advocacy of children's rights when it came into force in 2003, and much work has been accomplished since the Office of the Commissioner for Children was set up. More facilities would allow the office to carry out its work more effectively, and move to a further stage of development in its aims to protect and promote the rights of the child.
- 2.** An important step was taken when Malta ratified the UN Convention on the Rights of the Child on the 26th January 1990. Steps have been taken in order to make our domestic legislation fully compliant with the Convention, and this process must now be taken to completion.
- 3.** Several measures have been taken in order to improve the status of children, in accordance with the rights enshrined in the UN Convention. Other measures are known to be in preparation, as a comprehensive national policy on the implementation of these rights is in the process of formulation. It is necessary for this process to be completed at the earliest opportunity, and implemented without delay.
- 4.** The Convention operates on the principle that the best interests of the child must be paramount when all decisions are taken. Children are currently more able to enjoy fundamental rights and freedoms than they previously were. The next step would be to increase awareness of the participatory rights of children, so that these rights may be guaranteed.
- 5.** The Convention's principle of participation recognizes that children are capable of forming their own views, which should be freely expressed and which should be heard in an attentive manner. In this regard, it is vital that attention continues to be given to the training of professionals working with and for children.
- 6.** Progress has been made in the area of statistical collection; however it is not currently the practice to keep disaggregated statistics about children. In order for the Office of the Commissioner for Children to work more effectively, the collection and supply of child-related statistics by relevant institutions to the Commissioner for Children should be made mandatory.

# FAMILY (POVERTY AND SOCIAL EXCLUSION )

**1.** Measures have already been taken in order to eliminate the risk of poverty, however statistics from 2005 reveal that 20% of children still remain at risk of poverty. The complete elimination of this risk would be better ensured if a coordinated strategy with clear targets and time frames for the eradication of child poverty is established, and resources made available.

**2.** Much work has been done in order to set up therapeutic programmes for female adolescents with very challenging behaviour, or whose parents exhibit challenging behaviour. This work should be complemented with similar programmes and therapeutic secure residential units for male adolescents. These programmes would be better equipped to meet the needs of these adolescents by ensuring the provision of better qualified staff, and suitable staff-child ratios.

Due to a lack of resources, some children are still being sent to the Young People's Unit or to the adult wards at Mount Carmel Hospital, or sent back home from residential care. These situations could be prevented to a greater extent by providing adequate remuneration for professionally-trained foster carers, in order to supplement and replace residential care.

**3.** Work has already been initiated in order to formulate a comprehensive National Policy on Looked After Children under the age of eighteen (and their aftercare.) This work should continue to its earliest possible completion. The policy would be of even further benefit were it to establish a threshold below which it is illegal to admit children into institutional care. Institutional-type residential care should ultimately be phased out in favour of fostering by professionally trained and adequately paid foster carers. The provision of residential care should be limited to cases that would not benefit from fostering.

**4.** The efforts of the authorities with regards to the care of children of irregular migrants are to be noted, particularly in light of limited resources in this field. Residential set ups have already been established for unaccompanied immigrant minors, due to their vulnerable status and need for special attention. Given this fact, children of irregular migrants should not be held in detention for longer than is necessary.

**5.** Whilst some respite facilities and respite care services have been made available for children and young people with disabilities, these require constant development and improvement in order to be able to respond to needs more effectively. Respite care services should be better designed around the needs of the service user, both those living in residential homes and those in the community.

**6.** Some support for families 'at risk' is currently provided in order to enable parents to fulfill their duties in a responsible manner. Greater support could be provided, for example by introducing the option for a supervisory order to prevent the need for children entering into residential care.

# FAMILY (CHILDREN IN CONFLICT WITH THE LAW)

1. Due to an overwhelming case load, it is increasingly difficult to take into consideration the family context and social circumstances pertaining to each individual case within the present Juvenile Court system, despite numerous efforts to do so. This aim would be better achieved were the following to be ensured:

- Set up a social work unit within the court structure to ascertain maturity and provide pre-trial and post-sentencing assessments as to whether the case should be referred to the Juvenile Court or not, and provide other assistance.
- Raise the age of children brought before Juvenile Court from sixteen to eighteen.
- Establish the right for co-accused minors to have their cases heard separately.
- Provide training for court staff and judiciary in relation to children.
- Increase facilities for video conferencing and a play area.
- Secure attendance in court of all professionals involved in the case.
- Extend the community service order (voluntary work) to fourteen- year-olds.
- Assign specialised police to deal with children in conflict with the law, including participation from the Victim Support Unit.

2. The age of nine years is too low for the attribution of criminal responsibility. It is recommended that this age be raised, in consultation with the court social work unit.

3. The youth section at Corradino Correctional Facility (CCF) currently also caters for residents over the age of eighteen. It would be more appropriate if the youth section at Corradino Correctional Facility (CCF) has a therapeutic residential setup which caters exclusively for children in conflict with the law under the age of eighteen.

4. The existing probation service lends much support to children in conflict with the law. However there is currently a shortage of probation officers, and as a result existing officers are dealing with an overload of cases and are limited in the work that they are able to do. Steps should be taken in order for their work to be as effective and efficient as possible. This can be facilitated by restructuring the probation service, providing for: more probation officers, a clearer career path, and raising their status as a profession.

# FAMILY (CHILDREN AND THE LAW)

1. When requested by a parent, mediator, or the presiding judge, a child advocate is appointed to represent the child. A child advocate should be automatically appointed, payable by the parents or by the State where the parents qualify for legal aid.
2. At present there are two part-time child advocates to service Malta and Gozo. Given their ever-increasing demand, efforts should be taken in order to increase the number and commitment of child advocates.
3. Efforts have been made to introduce child-friendly premises and services in the courts. Work towards their constant improvement should be maintained.
4. The wishes of the child should be distinguished from the best interests of the child. This would be better accomplished through setting up a Guardian ad Litem under the Maltese legal system.
5. Court delays impact negatively on children. The Office of the Commissioner for Children has received a number of complaints regarding the negative emotional and psychological effect caused by exaggerated delays. This could be avoided if a fast-track system of cases were established in cases involving children.
6. The elements of a Children Act are currently being put together. The completion and enactment of this Children Act should be given high priority.
7. Not all corporal punishment is prohibited by law. This is detrimental to the child's development and well-being, and has been condemned by the UN Committee on the Convention of the Rights of the Child as well as in various EU member states. Measures should be taken to explicitly prohibit any use of corporal punishment, in favour of positive and non-violent forms of discipline.
8. Discrimination against children born out of wedlock has mostly been removed from legislation. However, there remains discrimination against children born out of wedlock in intestate succession (Chapter 16, Art. 815). The law regarding succession should be amended to remove discrimination on the basis of birth.
9. National Standards of care for residential care have been drawn up. It is recommended that the resources necessary for their successful implementation will be made available.

# EDUCATION

**1.** Streaming in primary state schools (Years 5 and 6) creates an unhealthy competitive environment, which may hinder the children's right to develop their full potential. This has been recognized by the authorities, who have responded by taking the initial steps to phase out streaming. Every effort should be taken for this process to be completed at the earliest possible opportunity. The process of setting up colleges as a way of facilitating the passage from one level to another should also be accelerated.

**2.** The Office of the Commissioner for Children has received numerous complaints regarding the stress caused by the 11+ exams. A system to minimize stress at the 11+ examinations (both state and common entrance) should be created.

**3.** Records of absenteeism amongst school children are currently kept, in an effort to keep track of school attendance patterns. There is currently a lack of distinction between excused absenteeism and habitual unexcused or fraudulently justified absenteeism. This makes it difficult to direct attention to the latter. Issues pertaining to unexcused absenteeism would be better addressed were the following measures to be observed:

- Introduce a system whereby all abusive cases of absenteeism are referred to the Juvenile Court and heard within two weeks.
- Enforce prompt payment of court fines.
- Conduct research for the identification of the main reasons for absenteeism.
- Enforce parental responsibility.
- Introduce a systematic collection of statistics to differentiate between recurrent and occasional absenteeism.
- Monitor court cases to see whether the system can be improved.
- Take action against doctors who issue fraudulent medical certificates.
- Reinforce the Social Work Unit in the Department of Education.
- Encourage the sharing of relevant personal information by professionals within the Health and Education authorities.
- Provide the family with appropriate support, in cases where children are absent from school because of care duties.

# EDUCATION

4. Despite efforts to meet the ever-growing demands, there is a limited number of psychologists and social workers employed in schools. As a result, early identification and ongoing monitoring of child development is unfeasible. Steps should be taken in order to allow for the recruitment of more psychologists and social workers to service schools.

5. Much work has been accomplished in order for the majority of disabled students to be included in mainstream schools. This work should be continued, and extended even further following departure from mainstream education. There is currently no adequate support for young persons with disability once they finish secondary school. It is vital that consistent implementation of the Spiteri report on the necessary reforms in special and inclusive education is continued.

6. Syllabus content is educationally loaded, with limited practical relevance to daily life. A more practical syllabus which better responds to the individual needs of each child would be more conducive to a holistic education.



# EDUCATION

**7.** Efforts have already been made towards giving children adequate opportunity to enjoy their Right to Play, as defined in Article 31 of the Convention of the Rights of the Child. Despite these efforts, children are not always able to enjoy this right due to many factors, including academic pressures and the exam-oriented education system, excessive parental anxiety, lack of adequate play facilities and an overloaded school and after-school timetable. Children's Right to Play would be better secured if:

- A system of increased co-operation amongst teachers is implemented in order to control the amount of homework
- A homework policy is introduced in all schools.
- Play facilities are further improved.
- A systematic strategy is put into effect in order to completely eradicate the need for private lessons after school.

**8.** According to complaints received by the Office of the Commissioner for Children, some children are being transported to school very early or late, and there is a lack of safety monitoring on school transport. In order to guarantee the safety of children at all times, it would be beneficial to:

- Reform the school transport system in order to ensure that students arrive in a safe and timely manner.
- Introduce a bus monitoring system on school transport to ensure that basic safety measures (such as remaining seated and wearing seatbelts) are observed.

**9.** Whilst support to school age mothers is currently offered, there are limitations in terms of the support systems and flexibility offered in mainstream schools. These make it difficult at times for school age mothers to continue their education. In order to ensure the continuity in education of school age mothers, it would be a positive step for the educational authorities to revise the present policies and provide further support through the following means:

- School age mothers should be required to return to mainstream schooling, and should be duly monitored by the Education Department. Social work and other support is needed to facilitate the process for all school age mothers to return to mainstream schools.
- Educational programmes should be tailored to the needs of the school age mother.

# HEALTH

**1.** Two screening tests at birth are currently provided, in order to identify possible illnesses at an early stage in the child's development. In order for early identification of illness to be more effective, it is recommended that at least three more screening tests, namely tests on hearing, Cystic Fibrosis, and Phenyl Ketonuria, are incorporated in addition to what is carried out at present.

**2.** Statistics have recorded an increase in recent years regarding the rate of breast feeding in Malta at the point of discharge from hospital after delivery. Nonetheless, this percentage remains quite low (55%), and efforts should be made in order for this percentage to continue to rise. This can be accomplished through constant support and advice on breastfeeding, and the introduction of breastfeeding-friendly environments in public spaces. Furthermore, hospitals should be better equipped to meet the standards of the Baby-Friendly Hospital Initiative.

**3.** Vaccinations are readily available for children through the public health service, and efforts are made for children to remain up to date with their immunizations. However, Malta is currently using vaccines which, whilst effective, have been replaced by other vaccines in other EU countries. These are only available privately in Malta at present. It would be more beneficial to children's health were these vaccines to be universally accessible, and available to all children through the public health service.

**4.** The Child Development and Assessment Unit (CDAU), as well as the Child Guidance Clinic, were set up in order to respond to the health requirements of children more effectively. However the shortage of pediatric staff, child psychologists and social workers in these establishments, as well as a lack of health workers in schools, is causing delayed treatment for children whose families cannot pay privately. In order to better meet the growing demands in this field, it is recommended that steps are taken to:

- Improve working conditions for child psychologists in the public sector.
- Employ in-house resident social workers at the CDAU (Child Development Assessment Unit) and Child Guidance Clinic.
- Provide access to private psychological services where the demand cannot be met by in-house psychologists. Such a time frame should not exceed two months.

# HEALTH

5. The minimum age for medical counselling without parental consent is currently eighteen years of age. Present legislation should be reviewed so as to entrust medical professionals with determining the competence of the child according to age and maturity, in order to enable child access to necessary medical care and advice without parental consent.
6. Currently there is limited provision for the controlled, supervised and safe administration of medicine in schools. This need could be addressed more efficiently by assigning a number of health workers to each college/ educational institution, proportionate to its student population.
7. Some families do not follow up on appointments for their children, placing their children's health at risk. Health care workers should be introduced in order to reach children whose families are unable or unwilling to provide necessary health care.



# WORK

1. Children are working illegally, with a penalty fine of € 58.23 (Lm25) given to those convicted of violating child labour laws. The problem of child labour could be decreased to a greater extent by means of conducting research to identify the reasons why children and young people work. It is also recommended that present legislation on child labour laws is reviewed in order to increase the penalties for those found in violation of the laws.
2. Young people are not always adequately aware of their rights in their place of work. This may lead to abuse of their rights. An educational campaign should be launched in order to increase awareness amongst young people of their rights in employment.
3. Some guidance counselors in schools lack sufficient knowledge in guiding children towards possible career and employment opportunities. Guidance counselors should strive to continually improve their service, by being constantly updated about work opportunities and gender sensitized. This would enable them to educate children to a greater extent with regards to the future work possibilities available to them.
4. It is increasingly challenging for youth with social and psychological difficulties to integrate into a working environment. Existing co-ordination between the Employment and Training Corporation (ETC) and other social entities already aims to address this issue. Further benefit would be derived from amplified co-ordination between the entities involved, for increased social services aimed at facilitating the integration of youth with personal or social difficulties into employment.
5. Opportunities for post-secondary and vocational education are increasing, with new courses being introduced regularly within Further Educational Institutions. Some school leavers are not always able to benefit from these opportunities, due to their low levels of academic achievement. In order to increase access to the available opportunities, admission requirements to some courses should be reviewed, and appropriate work-related courses should be made available in order to accommodate such youth.
6. The law states that at least 2% of a company's work force is to be made up of workers with a disability. This law is not always enforced, and steps should be taken for this legislation to be put into greater effect.

# WORK

**7.** There is a lack of knowledge amongst young people of health and safety issues in the work environment. They could be better informed about these issues by means of an educational campaign for young people on health and safety in the work place.

**8.** Low academic achievers are frequently authorized to work prior to school leaving age. In order for this work to be accredited, it would be a positive step to link the authorization to work with apprenticeship schemes leading to certification.



# SPORT AND CULTURE

1. A National Child Protection Policy is currently in the process of being drafted. It is vital that work on this Policy is completed, and fully endorsed and monitored by all clubs and entities working with children. Professional training on child protection issues for coaches and instructors should be made compulsory, and the recruitment process for sports persons should be reviewed to incorporate child protection issues.

2. Whilst numerous after-school activities are available to children, not all children have the financial means to be able to enjoy them. Existing financial support should be increased, partly by means of scholarships which would further enable all children to participate in after-school activities.

3. Children should be encouraged to participate in sport as a means of recreation, and in order to socialize and develop their personal and intrapersonal skills. This should not always necessitate a competitive environment. More sports activities should be introduced as a fun and recreational activity which is easily accessible at low or no cost.

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

5. Whilst the initial steps towards a Cultural Policy and Cultural Strategy have been taken, there is currently no implemented Cultural Policy and Cultural Strategy. This process should be carried to its earliest possible completion, remaining mindful of its impact on children.

6. Culture in its broad sense is not always adequately implemented in the National Curriculum, and there is a lack of awareness on the subject of culture and the arts amongst many teachers. Further teacher training in this area should be provided at University level, and a cultural coordinator should be appointed in each college in order to instigate cultural activities for students. A team based at the Ministry responsible for Culture should be created to support and guide this work in conjunction with the Ministry responsible for Education.

7. Children often come into contact with children from different cultures. It is vital to encourage cross-cultural understanding and respect for different cultures in the classroom, and in recreational activities. This requires further efforts to foster cultural sensitization among teachers and youth workers.

# ENVIRONMENT

**1.** Both air and noise pollution are particularly harmful to children. Measures to reduce both of types of pollution have already been taken, and should be continued and extended even further. Safe alternative means of transport, (such as walking or cycling) should continue to be provided and encouraged, and EU directives (such as the directive on environmental noise) require further implementation in order for children to continue to reap the benefits.

**2.** Efforts enabling children to enjoy their right to open spaces are currently underway, in developing more child-friendly open spaces in both urban and rural areas. This work should be further developed, increasing access to the countryside. This could partly be achieved through walking paths that link urban and rural areas when this is ecologically sound.

**3.** Children are particularly endangered if beach cleanliness and safety are not observed. As a preventative measure, more lifeguards and attendants should be posted on public beaches, particularly during peak seasons. Beaches should be maintained at Blue Flag standard, and existing beach cleaning activities should extend to the immediate vicinity of the beaches in order to further improve the general environment of the site.



In addition to the application to Gozo of all the recommendations contained in the Manifesto, especially issues relating to Children in Court, Child Protection, Child guidance, and the Child Development and Assessment Unit, the following should also be highlighted:

- 1.** Children who exhibit behavioral difficulties and who cannot reside with their families in Gozo do not always have adequate alternative residential setups. The only alternative accommodation in such cases is Gozo General Hospital, which is not an acceptable place for children to stay. Every effort should be taken in order to provide alternative services for children who require out of home care, including the provision of fostering by professionally trained and adequately paid foster carers. This measure would be particularly successful in the Gozo region, where the number of cases are relatively low and infrequent in comparison to Malta.
- 2.** Child-care centres have been introduced in Gozo very recently, and their establishment is to be commended. More child-care centres should be set up, in order to meet the ever-increasing demand more effectively.
- 3.** The services of care professionals such as psychologists, family therapists and social workers are very limited in Gozo, given that these services are predominantly based in Malta. Measures should be taken for professional support of this nature to be based and provided in Gozo.



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