

Commissioner for Children Malta

Kummissarju għat-Tfal

Commissioner for Children



Report for ENOC Annual Meeting
Developments and Achievements
September 2005 - August 2006

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1. Composition of Office & Council for Children

The Commissioner for Children's Act was passed through Parliament on the 5th of December 2003, and Mrs Sonia Camilleri started her mandate on the 16th December 2003 on a part time basis.

The Office is composed of a:
Manager (Research & Policy) (Full-time)
Office Secretary (Full-time)
Legal Advisor (2 hours per week)

This year a Manager (Research and Policy) became the first member of staff specifically employed to work with the Commissioner for Children's Office.

The budget for the year 2006 was increased to Lm25, 000 (around 60, 000 Euros). Whilst this was acknowledged by the Commissioner, the improvement in monetary terms was minimal as a larger percentage of salaries and logistical expenses had to be paid out of this sum.

- Council for Children [ref. Chap 462; Art 12]

The Council for Children is made up of:

- the Commissioner as Chairperson
- six other members appointed by different Ministers and the Parliamentary Committee
- three other members co-opted by the Council
- four children and young persons (14 - 17 year olds) elected by the participants of the children's rights course and co-opted by the Council

The Council, on average, held a meeting every two months.

An important step taken by the Council for Children was to advise government to make it a requirement that anyone applying to work with children should produce his/her Full Criminal Record and not the short term Good Conduct Certificate that is currently requested. The move has been well received; however no concrete measures in this direction have been taken so far. This was Council's first initiative in the fight against Paedophilia on the island.

2. Education and Public Awareness

Public relations have been very important. Promoting awareness of the Commissioner's Office and of children's rights is an important part of the Commissioner's Office mandate and has remained a priority.

The Commissioner is frequently present at seminars and conferences; and giving talks or facilitating discussions of children, young people & adults both in schools and in their local community organisations.

The Commissioner has kept her presence on the media (TV, Radio, Newspapers, Children's Newspapers) regular in this last year. There have also been several Press Releases issued and Press Conferences. The Media was also invited to key activities organized by the Office.

The Commissioner's website was launched in a draft, though functional, format in November 2006. Stickers have been distributed promoting the website and several complaints, reactions or even simply comments have been sent through this website. It is planned that this website will be updated in the coming months. The website is www.tfal.org.mt

3. Research and Policy

a. Children and the Media: Quality Children's Programmes

The Commissioner for Children and the Malta Broadcasting Authority have set up a working group in 2005 to discuss and submit proposals for the amendments of the section on the Protection of Minors within the Broadcasting Act. The working group focused on two main issues. The first was amendments to the current Act to further protect minors from various forms of exploitation and abuse. The second was that to draft and possibly also include in the proposals a set of guidelines for good quality children's programming.

After a series of meetings with professionals in the area, the working group has mapped out the main difficulties encountered by the different professionals and also the main stumbling blocks that are hindering both the production of good local programmes and the 'importation' of children's programmes from other countries.

The working group has drafted guidelines and a strategy, which it will be first discussing during a round table conference with select individuals working in the field and then during two national consultations.

In parallel to this the working group also kept abreast of developments within the broadcasting field in particular where the protection of minors is concerned, and has also conducted several meetings with the social welfare agency and NGOs concerned with the aggressive advertising of products promoting gambling, drinking and smoking.

The result of this work has been that the Broadcasting Authority sent a directive which must be adhered to by all stations registered in Malta with Guidelines for good quality children's programmes. It is expected that these Guidelines will be proposed as an annex to the Broadcasting Act in due course.

The Broadcasting Authority in August 2006 also issued a directive prohibiting the advertising of lotteries before the 9.00pm watershed.

b. Children with Very Challenging Behaviour

There is currently no rehabilitation programme for children and young people with 'very' challenging behaviour¹ in Malta. Children and young people with these problems usually end up in Mount Carmel Psychiatric Hospital, often being admitted to adult wards. If they commit crimes they end up in the in the Young Persons Unit of the Corradino Correctional Facilities. Both institutions are seen to be inappropriate for children and young people with such behaviour

The aim of this project was to put forward a set of proposals of how children and young people with very challenging behaviour could be helped and assisted in a dignified manner. The project included research on different aspects to enable us to understand better and get a fuller picture before coming up with proposals. The areas researched were: a) history of services; b) statistics; c) current services and residential care; d) suggestions from abroad, and e) meeting the children and young people who have been in touch with the services.

In June 2006, a National Conference was held during which the research reports were presented together with the proposals to the Prime Minister of Malta. Two publications were launched on the day 'A Fair Deal: Children and Young People with Very Challenging Behaviour' and a youth -friendly version in both Maltese and English 'See it My Way'. (The youth-friendly version will be distributed to all 13 year olds in Malta and Gozo with the aim of encouraging informed and rights-based discussions amongst young people)

The Prime Minister announced during the National Conference that a working would be set up under the auspices of the Ministry for the Family and Social Solidarity with the mandate of evaluating the proposals presented. This working has been set up. The Commissioner feels that top priority must be given to addressing the rehabilitation of these young people.

c. Article 31 The Right to Play: Its implementation

In May 2006, the Commissioner commissioned a researcher to collect data on the local implementation of the Right to Play by schools, local councils, NGOs, etc. The Commissioner was motivated by concerns that the right to play might be curtailed and limited in favour of other formal education activities.

The research reports should be ready in November 2006.

In the meantime the Commissioner has been raising awareness of Article 31 during the whole year, and this year's children's rights course for young people (Rights4U) also focused on the right to play. Following a proposal made by the young people, and

¹ The base definition for challenging behaviour used for this project is *"Behaviours of such intensity, frequency or duration that the physical safety or the person or others are placed in serious jeopardy, or behaviour which seriously limits the person's access to ordinary settings, activities and experiences"*.

fieldwork carried out by them, the Commissioner has accompanied them to meetings with local councils to discuss the implementation of the right to play in their locality.

d. Children and the Internet

The Commissioner's Office has followed closely the developments in this field due to an increasing concern that children's safety might be jeopardised because of the spread of online illegal material (using children), extensive chatting in the net whilst online grooming has become a problem.

With this in mind in 2005 the National Statistics Office, with the contributions of the Commissioner for Children, Ministry for Information Technology, Ministry for Education, the Police Department and the Malta Communications Authority, carried out a study aimed at researching children's use of the Internet in Malta. In parallel, another survey was carried out, researching their perceptions on the use of the Internet by their parents.

This research brought home several alarming issues amongst which was the lack of awareness of the dangers of meeting strangers who were first encountered online, the different perceptions of the Internet of parents and what their children are up to on the internet, the absence of grooming as an offence in our legislation and other lacunae in our legislation with regards to the protection of children.

The Commissioner's Office has also:

- supported the setting up of a new hotline service which will receive complaints on illegal content on the Internet, and will be promoting this service.
- been involved in a two year Safer Internet Plus project which will be coordinated by the Ministry responsible for IT and will reach out to the general sections of the public;
- been consulted at length on a new Internet Safety for Children Policy drafted by the Ministry responsible for IT and is due to be launched in the coming months.

The Commissioner's Office is represented on the National e-Security working group set up by the government under the auspices of the Ministry responsible for IT to draft a strategy and implementation for an e-Strategy. This working group includes representatives from the different Ministries, and the private sector (Internet Service Providers). The Commissioner's Office is also represented on the legal working group on Child Protection.

4. Schools & Educational Issues

The Commissioner personally visited several primary, secondary and post-secondary schools this year. Her primary aim is meeting children and young people, and in all the schools she visits she particularly requests a meeting with the student (or pupil) council.

The Commissioner's Office also keeps abreast of developments, reforms and new policies issued by the Ministry of Education, Youth and Employment, and where necessary sends reactions.

5. Children's Rights Education: Rights, Respect and Responsibilities

a. A Children's Rights game for the very young

As part of the Commissioner's ongoing children's rights campaign 'Rights, Respect and Responsibilities', a children's rights game was developed targeting very young children (3 - 5 yr olds). The Commissioner for Children distributed and introduced the game in primary schools.

The game which is a floor puzzle is primarily aimed at 3 -5 year olds and consists of 12 different flash cards showing sad characters when rights are not respected, and the same characters clearly happy when their rights are respected. The children have to pair the flash cards. The game is particularly useful for teachers, parents and carers as an educational resource, and with this in mind each flash card also includes the particular children's right in words, in both Maltese and English.

The six rights depicted in the floor puzzle are:

1) I have a right to have fun with my friends; 2) I have a right to learn; 3) I have a right to play; 4) I have a right to be cared for; 5) I have a right to a clean environment; 6) I have rights like everybody else.

This project was made financially possible with a sponsor from Plasmon.

b. Youth-friendly children's rights in Maltese

The Commissioner's Office printed youth-friendly children's rights leaflets in Maltese targeting young people of secondary school age (11 - 16) which will be distributed to young people mainly through schools and NGOs starting from September 2006.

The printing and design of the leaflet were made possible with the support of the Health Promotion Unit.

6. Supporting Children and Young People

a. Consultation on 'Participation'

A consultation meeting was organized with children and young people on 'Participation', which was the theme chosen for the 2005 Annual Report which was launched in February 2006.

Around 70 children and young people from the ages of 13 to 17, who had prior training in children's rights, participated in this Consultation Meeting. The style adopted for these Consultation

meetings is an introduction to the subject, followed by small group discussions facilitated by youth workers. The young people were also asked to fill a questionnaire on participation in various aspects of their life. This questionnaire was prepared by young people themselves (youth representatives on the Council for Children and elected representatives on the Electoral Commission of 2005).

b. Consultation on Issues of Concern for Children

This Consultation was carried out with the aim of getting an indication from young people themselves of issues of concern within the children's field at large.

It was carried out together with the Jesuit Centre for Faith and Justice.

c. Rights4U: Children's Rights Course for Young People

The Commissioner's Office organized a children's rights course for children and young people (13 - 16 yr olds). The course was lead by a team of youth workers and teachers, all members of Youthscape (a local cooperative).

Around 70 participants were selected. As in the previous year, an effort was made to reach out to disadvantaged groups, so amongst the group this year there were also young people from children's homes.

The course was based on the UN Convention on the Rights of the Child and the theme chosen this year was The Right to Play. The participants had the opportunity of discussing in small groups the right to play, conducted on-site investigations, including interviews with locals, in 7 different towns to see if the right to play is being implemented in that particular locality, and had organised games throughout the weekend.

7. International Relations

International relations are important to our Office to:

1. Keep ourselves informed of the way other offices with mandates which are similar to ours are operating and the challenges they are facing
2. Promote greater awareness of children and young people's realities in other countries
3. Keep up to date with major issues and violations of children's rights internationally
4. Keep alive the universal aspect of the Convention and children's rights even in the presentation of children's rights.

Unfortunately due to budgetary and human resources limitations during the last year, very little was invested in this area.

a. Trip to Tunisia

The Commissioner together with three young members of the Council for Children was invited to one of the bi-annual sessions of the Children's Parliament. The Children's Parliament is held twice a year, in March and in November. A theme is chosen every time and children are prepared in advance and encouraged to draw up questions on the issue. The parliamentary session consists of the children asking questions and a Minister of government answering them. The session they attended was tackling 'Children's rights through legislation and justice for children', and the Minister of Justice was present to answer questions.

The Commissioner and the young Council members also had visits planned with the Minister for the Family of Tunisia, and met the three regional Delegates (directors of welfare) for children.

A very full 4 day programme of visits to children's institutions was also arranged for the delegation.

8. Individual Cases: Issues

The Commissioner for Children can also receive individual complaints as long as local existing remedies have been exhausted. This has been instrumental in slowly getting together a bird's eye view of the situation of children and young people in Malta, particularly those gaps in the system which are lacking or not being catered for. The following is a list of issues which have come up: child abuse; delays in court; social security; housing; care orders; fostering; separations; education; bullying; challenging behaviour; professionals working with children; police procedures; the media; smoking; school transport; lack of recreational space; disability issues.

The following are the number of cases received at the Office last year and this year:

	New cases received at the Office
Jan 2005 - Dec 2005	168 cases
Jan 2006 - Sept 2006	104 cases

9. Networking

Networking remained a priority throughout this year and meetings were regularly held with various Ministries, government departments and government agencies, embassies, non-governmental organisations, the Church and international organisations.

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