



children

MUST BE HEARD



Kummissarju għat-Tfal
Commissioner for Children

The Office of the Commissioner for Children was set up in terms of the Commissioner for Children Act of 2003, to promote the welfare of children and the compliance with the UN Convention on the Rights of the Child, as ratified by Malta, and such other international treaties, conventions or agreements relating to children as are or may be ratified or otherwise acceded to by Malta.

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FOREWORD

Children Must Be Heard

“Nothing for me, without me”



Photo: Kurt Paris

*Ms. Carmen Zammit
Commissioner for Children*

One of the main principles enshrined in the Convention on the Rights of the Child is that of Child Participation, assured to children through article 12 which provides that “State 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 of maturity of the child” Despite this, obstacles still exist which limit the extent

to which children are capable of participating meaningfully in matters of direct concern to them. Child participation in Malta leans heavily towards tokenism. It is crucial that efforts are directed towards meaningful child participation, with necessary structures and child-friendly procedures in place in order to support children to have a voice.

The Office of the Commissioner for Children continually attempts to work towards the full participation of the child in matters of relevance to them, and if this right is to be fully implemented it necessitates that the voices of children are listened to and given due significance. When decisions affecting the child are taken with the voice of the child absent, it is a fundamental abuse of the rights of the child.

In such circumstances, it is necessary to picture the child involved, and to picture this child asking “How can you decide for me, without me? How can decisions on my own wellbeing and my own life be taken, without knowing my own point of view?” This is a powerful message which is essential in order for children’s rights to be fully respected, and it is one I wish to effectively put across in this Annual Report.



REPORT ON ACTIVITIES

1. Composition of Office

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

Following the decision of Mrs. Camilleri not to accept the renewal of her term in office, Ms. Carmen Zammit was appointed as the new Commissioner for Children on the 6th March 2007. Ms. Zammit has extensive experience in the field of social work, and was appointed following a consultation meeting held by the House of Representatives Social Affairs Committee.

The Office is presently composed of a:

- Commissioner for Children
- Head of Office – Full time
- Manager (Research and Policy) – Full time
- Office Secretary – Full time
- Driver/Office hand
- Legal Advisor on Children's Rights - Consultancy Basis
- Case Officer – Part Time
- Accounts Officer - Part Time

This year an employee from the Ministry of Education, Culture, Youth and Sport was seconded to the Office on a full-time basis. Whilst this position was filled for the majority of 2008, the post is currently vacant and awaiting replacement.

It has been noted by the Commissioner for Children on several occasions that more staff

was needed in order to successfully fulfill the duties of the Office. Due to increased demands on the office on both a National and European level, it is vital that the office further continues to grow in order to be able to meet these demands more effectively. In line with this aim, an official was transferred to the Office of the Commissioner for Children as Head of office very recently, in order to oversee the main activities of the Office. Furthermore, efforts are underway for another Manager as well as a projects officer to be introduced to the office in the coming months.

Due to the current and expected growth of the office, the Commissioner for Children has ensured an investment in staff development, through the organization of staff days aimed at further increasing the levels of efficiency, communication, and organization at the Office of the Commissioner for Children. The first staff day was held in October 2008, and it is envisaged that this initiative will continue to be organized on a regular basis every few months in order to further strengthen the capacity of the office.

There is an urgent need for increased space in the premises of the office, and for these premises to be child-friendly and accessible to children. Without such facilities, the Office of the Commissioner for



Children confronts inevitable limitations in the work which it is able to do.

The independence of the Office of the Commissioner for Children is recognized by law by means of the Commissioner for Children Act 2003, which states that “the Commissioner shall act independently and shall not be subject to the direction or control of any other person or authority” (Art. 4).

At present, there exist numerous obstacles which prevent this from being realized, thus limiting the ability of the Commissioner to act in the best interests of the child.

Furthermore, at present a percentage of the annual budget is directly allocated to the Office of the Commissioner for Children, whilst some salaries and other expenses related to the day-to-day running of the office are paid directly by the

Ministry for Social Policy. In order for the Office to be able to plan its activities more efficiently, the full annual budget should be allocated and made directly available to the Office of the Commissioner for Children. This would allow for more effective development and implementation of the Commissioner for Children’s work plan.

The budget for 2008 increased considerably from 2007, to a total of €98,000. This is a significant improvement, and it is hoped that the budget will continue to grow in order to allow the office to continue building upon its strengths and capacities.

“the Commissioner shall act independently and shall not be subject to the direction or control of any other person or authority”

(Art.4, Commissioner for Children Act, 2003)



2. Council for Children

The Council for Children is made up of:

- The Commissioner as Chairperson
- Five other members appointed by different Ministers
- Chairperson of the Social Affairs Committee of the House of Representatives
- Three other members co-opted by the Commissioner for Children and approved by the Council
- Three young persons co-opted by the Commissioner for Children and approved by the Council

The three young persons forming part of the Council for Children were elected for nomination to the Council by their peers, in an election held at the Office of the Commissioner for Children in April. These elections brought together previous

participants of the yearly Rights 4U course, which in itself served as a pre-requisite for the young people to vote and be appointed to the Council.

The role of the Council for Children is to advise and assist the Commissioner in the performance of her functions, and in the promotion of welfare for children.

It must be noted that the Council for Children was out of action for most of 2008, pending appointment. The present Council was appointed on the 16th September 2008. These appointments were valid until the 18th January 2009. Given the limited time period, the Council for Children was unable to take on any significant work within the time frame of the appointment.

3. Education and Public Awareness

Public relations are a crucial aspect to the work of the Commissioner for Children, in promoting awareness of children's rights and of the role and function of the Commissioner for Children.

The Commissioner featured regularly in the media this year, through numerous television programmes and newspaper articles.

The Commissioner for Children also made regular public appearances at numerous events, participating in seminars and conferences, and giving talks and speeches on various subjects upon request. School visits were also carried out this year, in line with the Commissioner's aim of making the work of her office known amongst children.

This year saw the introduction of Ġuġinu l-Iljuncinu, the official Mascot of the Office of the Commissioner for Children. Ġuġinu was the winning design in a Mascot competition held earlier in the year, inviting children and young people to create a fun and friendly character who could help the Commissioner for Children to increase awareness of children's rights in a child-friendly way. Ġuġinu has already accompanied the Commissioner for Children on many school visits and public appearances, in helping to make the work of the office better known amongst children and young people themselves.



The Commissioner for Children and Ġuġinu l-Iljuncinu on a visit to Fleurette School of Montessori

In a bid to enhance co-operation between the office and other relevant stakeholders working with children, the Commissioner for Children regularly met with Ministers and representatives from Government Ministries, as well as members of the Curia, in order to identify avenues of further collaboration for the benefit of children.

A project in setting up an official website for the Office of the Commissioner for Children began in 2007. Unfortunately, the company engaged in this work was unable to comply with the necessary compulsory standards set by MITTS, and this work was discontinued in 2008. Work on a new website has since reached an advanced stage with another IT company, and will be officially launched in 2009.

This year saw the introduction of Ġuġinu l-Iljuncinu, the official Mascot of the Office of the Commissioner for Children.



4. Complaints received by the Office of the Commissioner for Children

During the year 2008, there were 123 cases concerning children that were reported to our office. These cases are classified under: Family, Education, Court, Sports/Culture, Abuse, and Miscellaneous.

Cases concerning the Family:

The majority of complaints received by the office mostly concerned parents who were separated, or in the process of going through separation proceedings. The most common complaint involved issues of access visits and child maintenance. Following contact and meetings with those concerned, the Office of the Commissioner for Children gave support where possible, through the efforts of the Case Officer. The Case Officer often guided the relevant individuals involved in the case towards their respective social worker or appropriate agency, or referred them for further professional assistance. This was at times necessary owing to the legal obligation placed on the Commissioner not to intervene in cases which are sub-judice.

Cases concerning Education:

Most of the cases that were reported (both officially and unofficially) dealt with unsupervised school transport, stress due to exams, heavy school bags to carry, bullying, absenteeism, school policies, and children of migrants failing to report to school. Action and referral to appropriate agencies and Government departments were made accordingly.

It is useful to note that some reported issues remain ongoing, such as complaints regarding the early pick up time for children on school transport. Children are at times transported to school as early as an hour and a half before school starts. The Office of the Commissioner for Children has raised this concern with the relevant authorities.

Cases concerning Court issues:

One prominent issue which was tackled this year was that of children in conflict with the law. Children as young as 13 years old were sent to prison, due to the lack of suitable alternatives for their rehabilitation. The Commissioner for Children regularly expressed her concern regarding this issue, particularly in light of the lack of therapeutic residential set ups currently available to cater for children and young people in conflict with the law. In 2008, the Commissioner for Children launched the Manifesto for Children which, amongst other suggestions, recommended that '...the youth section at Corradino Correctional Facility [should have] a therapeutic residential set up which caters exclusively for children in conflict with the law under the age of eighteen'. This set up should be located outside of the Corradino Correctional Facility. The Commissioner for

Children has recommended that such specialized and therapeutic residential alternatives be made available to children while they are detained and awaiting trial, as well as after sentencing.

Cases regarding Sports:

Complaints were received by parents regarding the registration of their children at local sports clubs. Many a time however, the parents themselves were found to be exerting excessive pressure on their children, and indirectly causing their children to be discouraged from continuing with the sport.

It is worthwhile to note that significant dangers still exist in some playing fields, recreational spaces, and their vicinities. One such example would be the skating park located within the roundabout of a very busy motorway. In another separate and recent case, the danger surrounding such areas resulted in the death of a young person, who fell from the bastions of a public garden. Such cases highlight the necessity to ensure the maximum safety for children, particularly within

recreational spaces which they frequent.

Cases regarding Abuse:

Immediate action was taken in cases where abuse was reported to the Office, and each case was referred to Agenzija Appogg or to the Support Services within the Education Division.

Complaints received during 2008		
<i>Classification</i>	<i>Number</i>	<i>%</i>
Family	52	42.3%
School	27	22%
Court	5	4%
Sports/Culture	7	5.7%
Abuse	19	15.4%
Miscellaneous	13	10.6%
TOTAL	123	100%

5. Research and Policy

In view of the 2008 general elections, the Office of the Commissioner for Children undertook to prepare a Manifesto for Children, in order to increase awareness amongst the political parties of matters requiring urgent attention with regards to children.

The Manifesto for Children

The Manifesto for Children was based on principles laid out in the United Nations Convention on the Rights of the Child, as ratified by Malta.

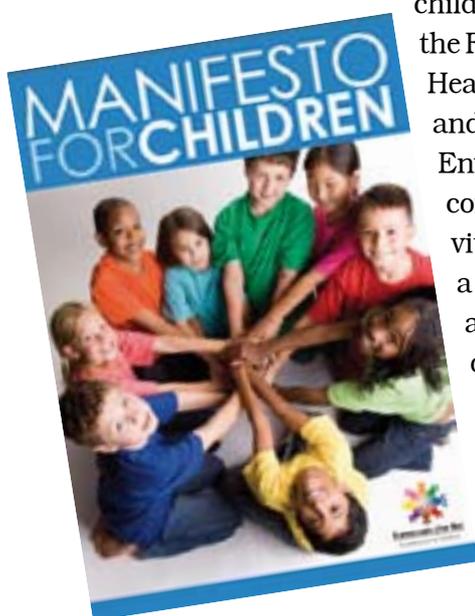
The Manifesto for Children was a major project undertaken by the Office during 2007 and completed in 2008 (Except for consultations in Gozo scheduled for early 2009). The project aimed to identify the needs of children in Malta. Numerous consultations were held with professionals in varying fields, in order for the office to identify areas requiring improvement for

children with regards to the Family, Education, Health, Work, Sport and Culture, and the Environment. These consultations were vital in obtaining a realistic and accurate picture of the situations that children

are presently facing in Malta, particularly with regards to the current provision of services and support which children require.

Although the points raised in the Manifesto were applicable to the Maltese islands in general, certain issues with regards to Gozo such as residential care and the services of care professionals were highlighted in the Manifesto, in order to increase awareness of the situations which require additional attention in Gozo.

The Manifesto for Children is published in the form of a booklet, with a corresponding child friendly version in the form of a poster. Both publications are available in English and Maltese. Due to the extensive information collected during this project, it has been impossible to incorporate all the issues arising from the Commissioner for Children's numerous consultations with professionals. Inclusion of the relevant points in the published booklet has been limited to issues felt by the professionals and the Commissioner for Children to be the most urgent and pertinent. A full and unpublished version of the Manifesto for Children is available at the Office of the Commissioner for Children.



The Manifesto for Children



Manager for Research and Policy, Ms. Sharon Attard, on a Visit to Chiswick House School during which the Manifesto for Children was discussed

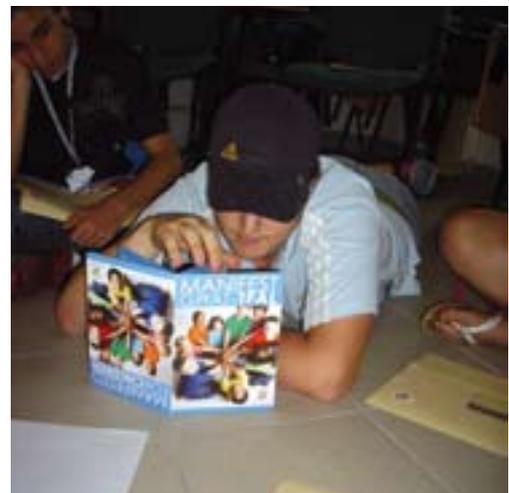
Significant importance was placed on child participation throughout this project. Young representatives from the Council for Children formed part of the working group for the project, and were consulted in the formulation of a child-friendly version of the Manifesto. This child-friendly version was eventually presented to children in school visits to Chiswick House School and Sacred Heart Junior School, and was used to initiate discussions with the children on their rights and obligations. Feedback on the topics

put forward was also elicited from children and young people.

The annual Rights 4U course in 2008 kept the Manifesto for Children as its theme, inviting the course participants to actively discuss and engage in the topics which were presented. The course created a greater awareness of how the rights of children and young people are experienced by their peers and by themselves in Malta, and how these rights are recognized on a national level.



A child reads the child-friendly poster of the Manifesto for Children



A participant at the Rights 4U course reads the Manifesto for Children



One of the public discussions held on the Manifesto for Children

Following the great investment of resources in the Manifesto, the project was followed up in May 2008, by means of the public discussions on the issues brought forward in the Manifesto. Ten public Seminars were held every three weeks on a separate topic in the Manifesto, and were open to adults and children alike. Professionals and individuals active in the field were invited, along with members of the general public, to comment on the issues put forward in the Manifesto, share concerns, and make any necessary recommendations in order for the situation to be improved. Such public response is vital for the Commissioner to continue to represent and promote the best interests of the child, and is in line with the duty of the Commissioner for Children to “provide public information and education designed to promote an understanding of, and to invite public comment on, the work of the Commissioner” (Commissioner for Children Act, art. 11 [h]). The feedback received from the seminars shall eventually be published in a follow-up document, and presented to the relevant authorities in order to encourage the implementation of the recommendations put forward. It is envisaged that such work will remain ongoing as a means of giving direction to the work of the Commissioner for Children, and as part of the continuous effort to implement children’s rights in Malta to the greatest possible degree.

All consultations held during this project were instrumental in outlining the achievements reached thus far, as well as the way forward which is required from this point on. The need to address children’s issues transcends political differences, and requires significant investment. Investing in our own children is not only worth doing for its own sake, but is also the surest way to guarantee that tomorrow’s society is enhanced.

Looked After Children

In 2007, the Commissioner for Children embarked on a three year project concerning children in out-of-home care. This project will include comprehensive research that will lay down the foundations for a National Policy and a National Strategy on Looked After Children. It will also include an aspect of lobbying to put children in care on the national agenda as a social justice issue, so direct action is taken rapidly on their more urgent needs.

The main types of out-of-home care in Malta provided by either the Roman Catholic Church or the State include Residential/Institutional care and Family Foster Care. Family Foster Care refers to when children are taken out of their family for valid reasons, and placed under the guardianship of trained and assessed foster carers in order to be brought up in a more family-



One of the public discussions held on the Manifesto for Children

oriented environment. Residential care on the other hand, is mainly provided by religious orders, NGO's, and other entities, and implies children living as part of a group within an institutional environment. The majority of children in out-of-home care currently reside in the latter.

Whilst the significant work done by such institutions is to be recognized, local, European, and International qualitative research has shown that children placed in foster care fare better than those placed in institutionalized care. Nonetheless, there are by far more children who are placed in these large institutional and residential homes, as opposed to being placed in foster care given that the availabilities for the latter type of placement are still scarce.

When analyzing current service provision in Malta for residential care, a critical factor is the lack of adequate places. Most residential homes are either full, there exist long waiting lists in some, or the personnel in the homes are not professionally equipped to meet the emotional and psychological demands of the child most effectively. Homes run by the Catholic Church also face staffing difficulty, due to the dwindling number of religious vocations. Furthermore, the present situation is further hindered by the financial difficulties experienced by many homes. Due to the lack of space, some children in urgent need of admittance into care still reside at the family home, in an environment which is potentially dangerous and not conducive to their healthy development. Some of these children still reside in the family home despite the fact that they have been placed under a Care Order, and are thus officially under the care and custody of the State.

Workshops

For the purpose of this project, a working group was set up in 2007, and members were chosen due to their personal expertise and/or to represent a stakeholder in the field of children in out-of-home care. A facilitator was introduced to the working

group in 2008 through a specific workshop aimed to give a clearer direction to the work of the focus group. Whilst there was a 'readiness for action' evident amongst all members of the focus group, the workshop aimed to establish and concretize a clear common vision on the future directions of the project, in order for the project to move forward. The workshop generated material for policy visioning, and for designing and managing a public communications strategy. In particular, the groups identified the need for a policy on Looked After Children to address the following issues:

- It is vital that the policy regulated all placements, including those of children entering care voluntarily. In such cases, where the support of the State is requested, there must be a legislative framework which regulates the placement of the child. Such legislation would stipulate clear time frames, allowing for the State to take responsibility for the child if the provisions of the law are not met.
- Legislation must provide for the termination of parental rights, should this be in the best interests of the child. There must be provisions for responding to crises situations, should these arise. A speedy response to such situations is critical, as is the need for supporting legislation.
- There is a need for further support for the fostering system, both structurally and financially. However, it was agreed that this should be just one in a range of multiple services. The gate must be opened not only to fostering, but also to a multitude of alternatives. This would include (but is not limited to) prevention programmes, therapeutic residential services, community-based services, and day shelters.
- Legislation should also include and support children who continue to live with their

families. In this respect, provisions should be made with the aim of supporting families to undertake their parental responsibilities effectively, in order to enable the child to continue living at home.

- Emphasis must be placed on a formulation of a long term vision for these children, taking responsibility and catering for the complex needs of the child. It is vital that the services offered to children are therapeutic, within settings aimed at working with the child as an individual.
- The church needs support from the State, in order for its important and integral role in the care system to evolve and to better respond to the changing needs of children today.
- Child participation is integral, and must permeate every level of this process in a meaningful way, rather than by means of 'token participation.' Child-friendly policies must be formulated, incorporating feedback from children and young people themselves.
- The policy vision must incorporate after care services, in order to follow up and support children and youth leaving care.

Members of the focus group have stressed that the policy vision must crystallize a clear message that looked after children are our children, and thus a shared responsibility.

It is vital that services provided to children and families have a scope and an aim. Children are currently placed in out-of-home care as a result of the lack of options regarding where they can be sent. Furthermore, this is often undertaken as a long term solution, rather than a temporary arrangement with the aim of reinstating the child within the biological family where possible. The placement of the child should be a placement of choice, following an evaluation by a Family

Assessment Unit which then determines the kind of placement in the best interests of the individual child. This will not be possible without the investment and availability of diversified services and options, incorporated within a comprehensive Children's Act. A 'one size fits all' approach can not apply.

The working group also discussed the creation of an effective public communications strategy, aimed at increasing public awareness of the social justice issue at hand, and mobilizing public reaction. It was decided that a public communications strategy must communicate the idea that looked after children are our responsibility, and a shared responsibility at that. Furthermore, any communications strategy undertaken must take great care not to further stigmatize any children currently in care. A meeting with a media expert was held in December 2008 in this regard, in order to discuss how such a communications strategy may be initiated.

Research

There is a significant amount of research which highlights the needs of children in out-of-home care. In terms of local research, it became evident that the research available on out-of-home care was qualitative and not quantitative. This identifies a significant gap in the research, as quantitative information is vital in lobbying and presenting numbers to policy-makers. It is also vital in influencing the public and making them more aware of the issue at hand. In this respect it was agreed by the focus group that more long-term work was needed in order to be able to lobby more effectively, and that a research group should be set up in order to address the most pertinent questions regarding out-of-home care in Malta.

Further to analyzing the long term effects of children in out-of-home care, research in this area will ask questions pertaining to what the country would do in the near future if current problems in the welfare system persist. One such

issue would be the fact that the majority of the residential homes taking care of children are currently run by religious orders, whose vocation numbers are slowly dwindling.

Emphasis will be made on the results of the recent, substantive body of research that indicates that although investing in out-of-home care for these children would involve high costs in the present, these would outweigh financial burdens on the state in the long run due to services that these children would require after leaving care. This research is intended to highlight the point that if the government invests in out-of-home care, it is highly likely that costs in the future would diminish. Present literature also indicates that this would be due to the fact that these children who are currently in out-of-home care would otherwise be given an equal start in life, and would require less support from the state in their later years. This argument should be developed alongside an analysis of the long term effects and mental health needs of children in care.

The Commissioner for Children also wished for the research to support the Council of Europe recommendation that children under the age of five should not be placed in institutional care. International research has shown on many occasions that residential care causes attachment difficulties, which tend to be carried on later in life. This research recommends that residential care should remain, and be provided to children above a certain age only if absolutely necessary, and in an environment which is therapeutic and family-oriented within the community.

Research will also be undertaken in terms of a comparative study, to explore whether significant distinctions can be made locally between child development in institutional care, and in foster care. Such a comparison will focus on the education, health, and overall development of the child, and will as far as possible consider children with similar circumstances in order for the research to be more accurate. Given the

current fragile situation, it is essential that the research does not further stigmatize children in out-of-home care, nor demoralize care workers who look after them.

Although the research group would be building on research work on a local level, it is still necessary to use international research in considering children in residential care who are under the age of five. Given that this research already exists, there is no need to generate new findings in this field since present resources for the research project are limited.

In this respect, the research project will be carried out in three phases. The first phase, completed in October 2008, encompassed a literature review of children under the age of five in care. The second phase shall focus on the mental health needs of the child, whilst the third phase shall focus on the long term needs of children in care.

Sex Offenders Register

In 2008, the notion of a proposed sex offenders register began to re-surface in the media, as well as within Parliament. This issue was initially brought to the fore by the previous Commissioner for Children Mrs. Sonia Camilleri, following a controversy in 2006 surrounding the appointment of a convicted paedophile within the Malta Football Association. The notion of a sex offenders register was again mentioned in the President's address to Parliament, outlining the Government's programme for this legislature.

The Commissioner for Children, Ms. Carmen Zammit, openly supported the introduction of such a register, in order to ensure the highest possible protection of children from sex-related crimes. Research into the issue was initiated by enquiring about the procedures currently in place in other European Countries, particularly those which already have such a register in place, or are working towards its introduction. This information was requested through the European Network of Ombudspersons for



Sports at Carlo Diacono Girls Junior Lyceum

Children (ENOC), of which the Commissioner for Children is a member. Other ENOC members were asked for information on how (and if) the sex offenders register in their country works, and what mechanisms and procedures are in place in order to ensure its effective functioning and execution.

The Commissioner for Children expressed her wish to initiate discussions with stakeholders in the field at the earliest opportunity, in order to discuss how such a register could work in Malta. The wish of the Commissioner for Children to appoint a panel with the full support and consensus of the authorities is as yet unconfirmed. In view of the gravity of issues, the Commissioner encourages the unanimous backing of this initiative by the relevant authorities.

National Child Protection in Sport Policy

The issue of child protection has come to the forefront to a much greater extent in recent years, highlighting the need for continuous vigilance amongst professionals working with and for children. Sports activities in particular can be susceptible to various forms of abuse, given the existing opportunities for children to be placed in vulnerable positions during these activities. In this respect it is vital that good practice in the field of sport is promoted, and that children participating in these activities are safeguarded

from any form of harm and abuse.

In November 2007, a Commission was formed by the Kunsill Malta għall-iSport with the aim of drafting a National Child Protection in Sport Policy which would address all the relevant issues in the field as it applies to Malta. The Manager for Research and Policy within the Office of the Commissioner for Children forms part of this Commission, which is comprised of numerous representatives working in the field.

In 2008, Kunsill Malti għall-iSport published a consultation document through the work of the Commission, and invited feedback and comments from entities in the field of sport and physical activity. The Office has given constructive feedback and made a number of recommendations to the draft document. Following its completion, it is envisaged that the policy will be implemented within all institutions involved in the field of sport and physical activity. It is also envisaged that this policy shall be incorporated into a legal framework, so that it becomes enforceable.

Quality Children's Programming

Quality Children's programmes suffer from market failure – they are easily replaced by more commercial programmes as restrictions on children's programmes become more demanding. The responsibility of quality children's programmes falls on all media stakeholders

including consumers (“viewers and listeners”) and consumer guardians; producers, advertisers and advertising agencies; and all other regulatory bodies who directly or indirectly influence broadcasting media.

The Commissioner for Children, along with the Broadcasting Authority and the Ministry responsible for Tourism and Culture undertook a consultation process on quality children’s programmes with the aim of preparing local broadcasting stations for a more restrictive scenario with regards to children’s programmes, while also providing the means for implementation of improving quality standards.

An Advisory Committee on Quality Programmes for Children was established in 2007 to concentrate on three main areas:

Upgrading of broadcasting legislation with regard to media content to safeguard the interest of the viewers;

- Media training on children’s programmes by broadcasters, producers and practitioners;
- Media education of consumers, both children and adults

In this scenario, the Advisory Committee on Quality Programmes for Children has focused on two areas: media training and the revision of the Broadcasting Code for the Protection of Minors.

The Guidelines for Audiovisual content created for Children are also being discussed, with a view to passing them as enforceable subsidiary legislation in 2009.

In 2008, the Advisory Committee focused heavily on the aspect of media training, organizing a specialized training course for broadcasters and producers of children’s programmes. The training course was run by foreign experts Mr. Jeff Link and Ms. Mhairi Campbell, and focused on how present resources can be better utilized in producing quality and cost-effective children’s



A tutorial session at the training course ‘Programmes for a Younger Audience’

programmes. The programme incorporated sessions on economic production techniques for a multi-platform audience, communicating with a younger audience, writing for a younger audience, and generating and pitching new programme ideas, amongst others. Tutorial sessions were also held, with the participants divided into small groups in order to allow all participants to derive greater benefit from the course. Whilst the course was deemed successful, it was mainly attended by representatives of TVM and Education 22, with other broadcasting stations noticeably absent.

NEHAP Review

The very first National Environmental Health Action Plan (NEHAP) was launched in 1997. During the Fourth Ministerial Conference on Environment and Health in Budapest in June 2004, health and environment ministers reaffirmed the relevance of national environment and health action plans as an effective mechanism for environment and health policy-making, and commended the continuing efforts to implement and evaluate them.

A national stakeholder forum was organised in February 2006 with a view to establishing agreement on the revised NEHAP and identifying national priorities. The priorities identified include the protection of public health through

ensuring clean indoor and outdoor air, the prevention of accidents and injuries, and the reduction of obesity through the provision of supportive environments.

New targets and priority actions were established for the period 2006-2010. The revised National Environmental Health Action Plan (NEHAP) 2006-2010 is intended as a policy framework document for implementation across government departments and major sectors.

On the recommendation of and in agreement with World Health Organisation, the revision of Malta's NEHAP was to include the commitments to implement the Children's Environment and Health Action Plan for Europe (CEHAPE).

The Children's Environment and Health Action Plan for Europe (CEHAPE) recognises that 'children are not little adults' and that they are uniquely vulnerable due to their development and physiology, and are therefore especially deserving of our attention as adults, parents and policy makers towards ensuring a clean and sustainable environment for their future. For this reason, it was agreed in the Inter Ministerial Conference to focus on children's issues as an overall theme, and include 'child-specific actions' in the knowledge that what is good for children is also beneficial for other people.

The process of revising Malta's NEHAP involved consultation with major players in environmental health in Malta, one of whom was the Commissioner for Children.

Platform for Children

The Commissioner for Children held a meeting on Tuesday 21st October 2008, in order to introduce and discuss the mission and vision for a proposed Platform for Children, which is a recent initiative stemming from the Office of the Commissioner for Children. The initiative arose

from the felt need for a Platform incorporating all civil society entities who work for and with children in various sectors, providing a service to children in some way.

One of the primary functions of the Commissioner for Children is to promote compliance with the UN Convention on the Rights of the Child. The Commissioner stressed that this responsibility should be seen as a shared responsibility amongst civil society entities working with and for children, in order for the Convention to be adequately implemented and promoted at all levels.

The Commissioner for Children stated that although there are a substantial number of these entities working in this field, necessary information and resources are not always available when needed. At times there is an overlapping and duplication of efforts and resources, gaps in issues that remain to be addressed, as well as an overall lack of awareness on initiatives being taken by other similar entities. For this reason, it is vital that there is improved co-ordination and co-operation amongst the entities concerned, in pooling resources where possible and exchanging examples of good practice with one another. In this respect, the Platform for Children is intended to provide opportunities for networking amongst entities involved, in co-ordinating efforts and working in the best interests of children. The Commissioner for Children also drew attention to current policies and strategies involving children on a national level, and made reference to the potential of the Platform to raise awareness and react to, as well as promote, policies affecting children.

Further meetings were held with interested entities, in order to further discuss how the Platform for Children could function. It is envisaged that this Platform will be officially launched in 2009.



6. Children's Rights Education

The Rights 4U course focuses on personal development as well as human rights education. The young participants develop critical thinking skills, build social ties, and practically implement the concepts which they are learning about in the course such as respect, responsibility, inclusion, and independence.

Rights 4U

This is in line with the mandate given by Parliament to the Commissioner for Children to “provide public education and information designed to promote an understanding of the rights of children” (Commissioner for Children Act, art. 11 [a]). Each year, the course proves to be a success amongst the young participants in attendance, as they make new friends whilst actively learning the rights which are due to them under the United Nations Convention on the Rights of the Child.

This year, 51 participants explored children's rights issues as they apply to Malta and Gozo. The course focused on the issues put forward in the 'Manifesto for Children', a publication launched by the Office of the Commissioner for Children earlier in 2008. The Manifesto for Children researched the situation of children in Malta, and the ratification of the Convention on the Rights of the Child at a national level. Participants in the course discussed their rights in relation to the fields of the Family, Poverty and Social Exclusion, Children in Conflict with the Law, Children and the Court, Education, Health, Sport and Culture, Work, and the Environment.

The interactive programme included various activities in which children not only learnt about

their rights, but actively explored and engaged in discussions on their rights. Children were also given the tools to stand up for their rights, and to participate in matters of social concern to a higher degree, in such a way that they are empowered as active and independent members of society. The Rights 4U course focuses on personal development as well as human rights education. The young participants develop critical thinking skills, build social ties, and practically implement the concepts which they are learning about in the course such as respect, responsibility, inclusion, and independence.

The Commissioner for Children was present during the event in order to increase dialogue with the young people, and receive feedback from the young people themselves on how the Office of the Commissioner for Children can more effectively act as a voice for their issues and their concerns. The Commissioner for Children also encouraged these young people to become multipliers, and to be socially active within their environments.

The Office of the Commissioner for Children was honoured to receive a visit from the Minister of Education, Culture, Youth and Sport during this weekend. The Hon. Dolores Cristina visited the



Staff and participants at the Rights 4U course 2008. Photo: Kurt Paris



A welcome address to the Rights 4U course by the Commissioner for Children



Learning about our rights. Photo: Kurt Paris



Smiles and Laughter all around. Photo: Kurt Paris



Discussion activity at the Rights 4U course. Photo: Kurt Paris



A visit by the Hon. Minister of Education, Culture, Youth, and Sports, Dolores Cristina



A Night Hike and Treasure Hunt in Mdina



Showing solidarity



Letting our ideas take flight



The winning entry - Ġuġinu l-Iljuncġinu

young participants, and conversed with them directly on what they were actively learning in the Rights 4U course.

Ġuġinu the Mascot

In 2008, the Commissioner for Children held a Mascot competition, in which children in Malta and Gozo had the opportunity to design a creative and original mascot in order to promote children's rights in a way that is child-friendly and aimed at children themselves. The aim was to have an identifiable mascot which would be very appealing to children and who children could relate to, which would represent children and their rights through the work of the Commissioner for Children. The mascot also serves to remind children that the Commissioner is working for them, and is interested in communicating with them more.

The winning entry was selected from Carlo Diacono Girls Junior Lyceum, by the Commissioner for Children and young representatives of the Council for Children. Amy Mizzi, 14, created the

character 'Ġuġinu l-Iljuncġinu'. In her description of the character, Amy wrote that "Ġuġinu is a friendly and cool character. Since he is a lion, he is courageous and is not afraid to fight for his rights and for the rights of his friends, the children. He likes to help everyone who is smaller than him."

Amy won an Mp3 player sponsored by A to Z Electronics, as well as a book prize sponsored by Agenda bookshops.

Selected drawings were displayed in an exhibition in the reception area of the Department of Education, in order to allow members of the public to view other impressive entries in the competition. Following this, Ġuġinu has already appeared in a number of promotional items for the Commissioner for Children's office, and has accompanied the Commissioner on a few school visits and public events to meet and interact with children and young people.

Ġuġinu l-Iljuncġinu with his creator, Amy Mizzi





Fun with colours



Colouring with the Commissioner

Children's Rights Colouring Book

The



The Colouring Book on Children's Rights

Commissioner for Children launched a Children's Rights colouring book in November 2008, amongst 3 to 4 year olds at Fleurette School of Montessori in Kappara. This educational tool was an initiative from the Office of the Commissioner for Children, aimed at increasing awareness of children's rights amongst children of a very young age.

The publication was the first to feature Ġuġinu l-iljuncinu, the official Mascot of the Office of the Commissioner for Children. Ġuġinu was also present at the launch, in order to assist the Commissioner in her work. The colouring book has been, and will continue to be, distributed amongst schools and families by the Commissioner.

The Colouring Book depicts the following rights:
I have the right to an education even if I have a disability
I have the right to food, clothes, and a safe home to live in.
I have the right to play.
I have the right to be protected from being hurt or mistreated.

I have the right to get information that is important for me, from radio, newspapers, books, computers, and other means.

I have the right to choose my own friends, as long as it isn't harmful to others.

I have the right to practice my culture, language, and religion.

When I am sick, I have the right to receive help and be looked after.

I have the right to rest as much as I need.

I have the right to privacy.

I have the right to say what I feel.

I have the right to ask questions to learn.

I have the right to go to school and learn.

Education must help me to use and develop my talents and abilities.

The colouring book was designed by Claudia Inguanez. Stef Camilleri, a trained Montessori teacher and head of Fleurette School, was consulted at the planning stage on aspects of pedagogy.

Chatting with Ġuġinu





Having fun with the Children's Rights Game

Children's Rights Game

In November 2008, the Commissioner for Children re-launched a Children's Rights Game amongst 3 to 5 year olds at St. Elmo Primary C in Valletta. The game was initially launched in 2005 by the previous Commissioner for Children Mrs. Sonia Camilleri, and was made possible through the sponsorship of Plasmon. The project was again made possible by Plasmon, who also believe in the importance of a society which recognizes the rights of children. Ġuġinu l-iljuncinu, the new official mascot of the Commissioner for Children, was also present at the launch, visiting classrooms with the Commissioner and communicating with the children present.

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 then have to pair the flash cards.

Laughing with Ġuġinu



Matching the pairs

The game is particularly useful for teachers and parents as an educational resource, in teaching human rights education to children of a very young age. Each flash card includes the particular children's right in both Maltese and English.

The six rights depicted in the game are:

- I have a right to have fun with my friends*
- I have a right to learn*
- I have a right to play*
- I have a right to be cared for*
- I have a right to a clean environment*
- I have rights like everybody else*

This floor puzzle was designed by Analiza Vella, who is a primary teacher by profession and who studied art at the University of Malta. Stef Camilleri, who is a trained Montessori teacher, was consulted at planning stage on aspects of pedagogy.

Group picture



Media presence

The Commissioner for Children featured regularly in the local media this year, through numerous television programmes and newspaper articles. The Commissioner for Children also made regular public appearances at numerous events, participating in seminars and conferences, and giving talks and speeches upon request.

During such events, the Commissioner for Children makes it a point to highlight the Rights of the Child, as enshrined in the UN Convention. Attention is generally paid to a specific right, according to the nature of the occasion, in order to promote and increase awareness on child rights.

School visits

The Commissioner for Children and her staff personally visited many schools this year, particularly: St. Monica School in Birkirkara, Chiswick House School in Kappara, Sacred Heart in St. Julians, Carlo Diacono Junior Lyceum in Zejtun, St. Bernadette Primary School B in San Gwann, San Miguel Special School in Pembroke, St Dorothy's Senior School in Zebbug, Guze D'Amato Secondary School in Tarxien, Savio College in Dingli, St. Joseph School in Blata l-Bajda, Verdala Middle School in Pembroke, Immaculate Conception in Tarxien, Vincenzo Bugeja Boys Secondary School in Santa Venera, Adelaide Cini Girls Secondary School in Hamrun, Furtu Selvatico Boys Secondary School in Naxxar, St. Martins College in Swatar, Anton Cassar Primary School in Ghajnsielem Gozo, Ninu Cremona Lyceum Complex in Victoria Gozo, Xewkija Primary C in Gozo, and Tarxien Primary C.

The purposes of these visits were various, and incorporated information meetings on the Rights 4U course, prize presentations for the Mascot competition, school prize days, school exhibits or cultural events, website consultations, as well as specific visits aimed at speaking to the teachers and children about certain topics of



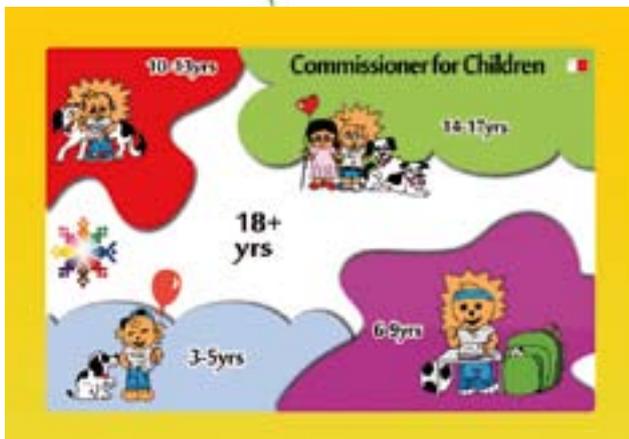
A visit to Xewkija Primary C

relevance to the children. In each school visit, the Commissioner for Children initiates a discussion with the children on their rights, and receives feedback from young people on various issues which are relevant to them. The Commissioner attempts to retain direct contact with children regularly through school visits, in order to keep abreast of situations which children are facing from their own point of view.

The Commissioner for Children also participated in a cultural initiative for school children organized by the Equal Partners Foundation, entitled 'Dawra Durella Madwar l-Imdina.' The event aimed to increase cultural awareness among young school children in primary schools. The Commissioner spoke to the children present and taught them about their rights, particularly their right to know, understand, and explore their culture.

Website

The Office of the Commissioner for Children initiated a project in setting up an official website in 2007. Various consultations were held in order to ensure that the website would be attractive and appealing to diverse age groups. Unfortunately,



The Home page of the Commissioner for Children's website



The Website section for children aged 3-5



The Website section for children aged 10-13]

work on the website was suspended in 2008 after the IT company responsible for its development was unable to proceed according to standards for development outlined by MITTS. The entire process then had to be re-started in 2008 with a separate IT company. Developments for a new website with this company have since reached an advanced stage, and the website will be officially launched in 2009.

The website will have an interactive and child-friendly format, according to the varying ages of the target audience. The website also aims to be another educational tool in promoting children's rights, particularly their right to information which directly concerns them. The website is also intended to increase dialogue between the Commissioner for Children and the children themselves.

In order to ensure that the website is child-friendly and appealing to children themselves, the Office of the Commissioner for Children undertook a series of website consultations in September 2008, in order to elicit feedback from children and young people on the content and design of the website. In total, 7 schools were visited around Malta and Gozo, and 248 children and young people between the ages of 4 and 15 were consulted. The children were asked the following questions:

- What was your first impression of the website?*
- Do you like the colours on the website?*
- Do you like the pictures of Guginu l-Iljuncinu on the website?*
- Is the website easy to browse through, or is it confusing?*
- What do you think of the information in the 'About us' section?*
- What kind of games would you like to see on the website?*
- Would you like to see anything else on the website? If so, what?*
- Would you change anything on the website?*
- What do you remember most about the website?*



Website consultations with the children at Xewkija Primary C

These questions were put to the children in a questionnaire following a multiple choice format, and allowing for the children to elaborate in their answers where necessary. Children under the age of 8 were observed as they browsed through the website. They were asked informal questions on the design and content, and were not required to complete a questionnaire.

The children gave useful suggestions on how the website could be improved and made more attractive, and gave some options for games which could eventually be introduced on to the website. Following an analysis of the consultations with the children, a number of modifications were decided upon and requested from the IT Company, in order for the end product to better reflect the wishes and opinions of the children and young people.

The website will also incorporate a section for an older audience, in providing information on resources and legislation for researchers, academics, and those interested in the field. The project is being sponsored by HSBC Cares for Children.

Media Roadshow – Theatre in Education

This project, developed in 2008, aims to involve children in addressing possible conflicts and situations which may arise on social networking websites, and to encourage dialogue with their parents or guardians on these issues. It is vital that in making children aware of the underlying dangers that are present online, children are not discouraged from accessing the internet

altogether. Rather, the project aims to empower children to utilize various forms of media in a responsible manner.

The Commissioner for Children, in collaboration with the Drama Unit and the Curriculum and eLearning Department within the Ministry responsible for Education, created this 'Theatre in Education' project which will be performed for children in January 2009. The project consists of a dramatic animation, receiving children from various schools and reaching out to them. This interactive play is currently being set up by the Drama Unit, based on its expertise in presenting topics to children through the performing art of drama.

Through this project, the Commissioner for Children wishes to educate children and tackle the often-distorted relationship between the virtual media world and the 'real' world. Conceptually, children often tend to regard one as detached from the other, failing to see how behaviour in the virtual world can directly impact and have consequences on the 'real' world and their day-to-day lives. Practical examples include children freely distributing their personal information online, accessing material which is inappropriate for their age, creating very detailed social profiles on network websites, or giving out their mobile phone number freely. Children shall be made more aware of the safety issues at hand, in identifying the media as an arena which is as capable of providing enjoyment and information as well as danger, depending on how it is used.

World Children's Day

On the occasion of World Children's Day, celebrated by most countries in the world on the 20th November, acknowledgement is given to the important steps taken years ago, through the adoption of the Declaration on the Rights of the Child in 1959, and the UN Convention on the Rights of the Child (CRC) in 1989. It is a day whereby the welfare and happiness of the child is given marked attention, through the promotion of the fundamental rights which are due to every child in the world.

The date marks a significant milestone in the recognition of the rights of the child, and was given due significance by Malta through the ratification of the UN Convention in 1990, and the introduction of the Commissioner for Children Act in 2003. Malta has thus committed to full observance of the principles laid out in the UN Convention of the Rights of the Child, in order for the rights of the child to be adequately respected.

On the occasion of World Children's Day, the Commissioner for Children took the opportunity to urge the full compliance of domestic legislation with the UN Convention, in order for the rights enshrined in this Convention to be fully implemented on all levels – on a Local, National, European, and International level. This can be achieved by the incorporation of the UN CRC into domestic legislation in the same way that the European Convention on Human Rights was incorporated into domestic law in 1987.

The Commissioner stressed that protection and respect for all children is by necessity a shared responsibility. In this respect, the Commissioner for Children further encouraged the recommendation of the Committee on the CRC in 2000, which called for the State Party [Malta] to “continue taking effective measures to incorporate all the principles and provisions of the Convention into[.] domestic legislation.” [UN Committee on the Convention of the Rights of the

Child, Concluding Observations: Malta, June 2000]

In order to celebrate World Children's Day, an event was organized at Ta' Qali National Park on Sunday 23rd November, with the chosen theme 'Our right to have fun and learn'. A full programme of activities was run at Ta' Qali National Park between noon and 4.30 p.m., through the work of the Ministry of Education, Culture, Youth and Sport, the Ministry for Social Policy, the Ministry for Resources and Rural Affairs, and the support of the HSBC Cares for Children Fund.

The Commissioner for Children was also present on the day, at a stand set up by the office of the Commissioner for Children which was buzzing with activities organized by student volunteers from MCAST. The volunteers organized a number of interactive games for the children, and helped in an interactive quiz which was organized by the Office. Guginu, the official Mascot of the Commissioner for Children, was also present at the event, greeting and playing with the children who attended. Apart from meeting with children at the stand, the Commissioner for Children chaired an informal discussion with a group of children as part of the official programme of events. The discussion focused on 'Stress and Play,' and acted as a means for children to express their thoughts on the subject in relation to their own personal circumstances.

The Office of the Commissioner for Children disseminated a number of promotional items on the day, including mugs, pens, bags, as well as copies of the publications of the office. One of the biggest attractions at the Commissioner for Children's stand, however, was a large two-sided jigsaw puzzle, which was three metres in height and five metres in length. Many children contributed to the assembly of the 40-piece jigsaw puzzle, which incorporated two different pictures of Guginu l-Iljuncinu.



Floor puzzle used on World Children's Day



Using team work to put the pieces of the puzzle together



Games organized by the Commissioner for Children's Office



Ğuġinu giving a helping hand at the stand of the Child Commissioner



Games organized by the Commissioner for Children's Office



A quiz organized by the Commissioner for Children's Office



Children share their thoughts and concerns with Ğuġinu and the Commissioner, in the discussion 'Stress and Play'



Young talented performers at World Children's Day 2008



7. Responses on the General Circumstances of Children in Malta

The Commissioner for Children must regularly keep up to date with situations that children in Malta are facing, and developments which affect children. The Commissioner for Children regularly commented on current developments, in order to effectively fulfill her role as a spokesperson for the rights, needs, and interests of children.

Residential Care in Gozo

The Commissioner for Children has expressed her concern over the serious lack of residential care facilities in Gozo, a problem which was exacerbated in 2008 with the closure of Lourdes Home. Following the controversy which emerged surrounding this home, the children residing there were subsequently moved to separate alternative accommodation in Malta.

The Commissioner for Children has publicly commented on her concern over the fate of these children, and the effect which such a move would have had on them. The transition from the family home to a residential care institution is a traumatic occurrence in itself for the children involved, without having to be made worse by cutting the ties that the children would have formed whilst in Lourdes Home. The children in question did not only change their residence, but were separated from one another, changed schools in the run-up to the exam period, and were moved to a neighbouring island. These factors already present difficulties when considered separately,

and are magnified when they are imposed on children simultaneously.

Prior to the children's move, the Commissioner for Children attended a meeting in which she supported the suggestion that the Home be kept in operation by means of State assistance, with the conviction that this option would be in the best interests of the child. This was proposed as a temporary solution until a more stable long-term alternative was found, as a measure intended to avoid any sudden and unnecessary disruption in the lives of the young people. No weight was given to this suggestion by the relevant decision-makers, resulting in the move going ahead. This action was taken notwithstanding the recommendations made by the Commissioner for Children, together with concerns raised following her consultation with the children involved in a visit to the Home.

In the Manifesto for Children, the Commissioner for Children highlighted the problem of the lack of residential care facilities in Gozo. Since the

publication of the Manifesto at the beginning of 2008, the problem increased dramatically with the closure of the only residential care institution for children on the island. Gozitan children now have no facilities for out-of-home care where required. The Manifesto for Children specifically states that “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”. The Commissioner for Children urged the authorities to take heed of this suggestion, and to take urgent steps to address this lacuna. The Commissioner also urged the immediate provision of all necessary professional support to the previous young residents of Lourdes Home, in order for the best interests of the child to be given due paramount importance.

At the time of going to print, matters were still outstanding and unresolved. The Commissioner remains concerned at the fate of these children, and the current lacuna which exists in the field of looked after children in Gozo

Products available to children

The Commissioner for Children attempts to remain up to date with regards to children’s products available on the consumer market, particularly those which may pose health and safety concerns to children. Furthermore, the Commissioner shares the concern of her predecessor with regards to the protection of the rights of children in relation to audio-visual content, particularly in terms of advertising.

In this regard, the Commissioner for Children publicly criticized the advertising and sale of a new energy drink called Cocaine, which was introduced to the Maltese market in mid-2008. The Commissioner deemed the promotion and sale of this drink as ethically irresponsible, and called for it to cease immediately. The slogan attached to this campaign, ‘Be Smart, Do the Drink’ lent a positive meaning to the word ‘Cocaine’, and encouraged young people to

associate the term with positive connotations. This was notwithstanding the fact the energy drink has a phenomenally high and concentrated dose of caffeine and sugar; twice as much as other energy drinks on the market which are also harmful and unhealthy in themselves.

The Commissioner, along with other organizations such as Sedqa, urged the relevant stakeholders to take action on this issue with immediate effect, and argued that the best interests of children should be a far greater priority than the monetary gain of energy drink importers and manufacturers.

Adverts of the drink were found to breach the Broadcasting Act’s provisions concerning offence to public feeling, and were thus prevented from being broadcast. Moreover, such an advert was found to encourage behaviour prejudicial to health and safety, and run counter to the efforts made by agencies such as Sedqa to combat the drug problem in Malta.

Following public pressure, the Cocaine Energy Drink was later withdrawn from the market on orders from the Health Department. Customs authorities started to seize samples of this drink, and the Department of Environmental Health sealed cans of the drink in the shops.

In addition to this occurrence, the Office of the Commissioner for Children attempted to remain informed of other current and future products impacting children in some way. In this respect, the Manager of Research and Policy attended an information and consultation session on the legislative proposal seeking to introduce new safety requirements to the EU Directive regulating toy safety. The proposal also sought to strengthen manufacturers’ and importers’ responsibility for the marketing of toys and enhance the market surveillance obligations of EU member states.

Important elements of the proposal entail the prohibition of chemical substances that could

cause cancer; a reduction in the permissible quantities for certain dangerous chemical substances; the prohibition of allergenic fragrances; a ban on toys attached to food products; as well as more responsibility for importers and manufacturers, among others.

The Office of the Commissioner for Children was invited, amongst other stakeholders, to provide views on this legislative development at an early stage.

Portrayal of Children in Television Programmes

The Commissioner for Children publicly spoke about the negative impact of a number of local television programmes portraying children in a harmful or inappropriate manner.

In her statement, the Commissioner for Children confirmed that a number of television programmes encourage children to participate in age inappropriate behaviour. It was felt that other series broadcast on local channels exploit the vulnerability of certain sectors of the child population, with an ensuing negative impact on their well being. This was particularly true in the case of Five06, a teleseries unethically conveying negative images of teenage girls in residential care, without giving any regard to subsequent consequences such as reinforcing the stigma of people in residential care.

The Office of the Commissioner for Children has received numerous complaints relating to this issue, demanding the withdrawal of certain programmes and a more sensitive conscience in the production and/ or promotion of others. Some programmes suggest that not all parents are equally aware of the repercussions which the encouragement of precocious behaviour may have on their children. Furthermore not all producers are attuned to the impact their choice of subject matter may have on vulnerable adolescents.

During the run up to the 2008 General Elections, the Office of the Commissioner for Children also received numerous complaints pertaining to the use of children in the media as part of the political campaigns for the main political parties. Meetings were subsequently held with representatives from the Broadcasting Authority in order to establish measures for reducing the occurrence of similar practices in future elections.

The Commissioner for Children called on the authorities concerned to take action in addressing these situations. A number of meetings were held with the Broadcasting Authority in order to discuss how these concerns may be addressed most effectively. To this end, the Authority shall be reviewing current legislation and proposing amendments accordingly, in order for present broadcasting legislation to better respond to cases such as these.

Residential care

The Commissioner for Children remained involved in many initiatives within the field of residential care, outside of the projects of the Commissioner for Children's Office. In February 2008, the Department of Social Welfare Standards launched the consultation process on the draft National Standards of Residential Child Care. The Department also launched model policies and procedures for out-of-home care. Efforts in drafting the National Standards were undertaken through the efforts of an effective working group which incorporated those responsible for the provision of services, child care staff, service users, and their families. The Commissioner for Children acknowledged the efforts in drawing up such standards, and recommended that the resources necessary for their successful implementation be made available (Manifesto for Children, 2008).

The Commissioner for Children has also been involved in the organization of a three-day conference, organized by the Support Services Team

of St. Patrick's Salesian School in collaboration with the Office of the Commissioner Children, who form part of both the scientific committee as well as the organizational committee for the conference. The conference will be held in March 2009, and will explore therapeutic interventions with children who are in out-of-home care and their families. The overall aim of the conference will be to enable conference participants to engage with the dilemmas and challenges that out-of-home care poses for children and their families within the local and international context.

Lastly, in an effort to maintain contact with all stakeholders working in the field, the Commissioner for Children was invited to discuss the UN Convention on the Rights of the Child with the National Foster Care Association, amongst other organizations. This was undertaken highlighting the importance of survival rights, the right to development, the right to participation, and the right to protection.

Hotline to fight Child Abuse over the Internet

The Office of the Commissioner for Children forms part of a Hotline Advisory Board, consisting of representatives from various entities, including the Education Division, School and Parents' Associations, CyberCrime (Malta Police), the Foundation for Educational Services, sedqa, the Ministry responsible for ICT (MITC), the Commissioner for Children, Internet Service Providers and Agenzija Appogg. This Board was formed a few years ago when Agenzija Appogg, with the help of the Ministry responsible for Information and Communication Technology, applied for funds from the European Commission to set up a Hotline to fight Child Abuse over the Internet.

Much ground work was done prior to the launch of the Hotline in July 2006 as the first and only service of its kind, within the already existing Supportline 179, a national helpline also run by

Appogg. Unfortunately, by the end of the project term in February 2008, the response from the European Commission for a renewal of the project was negative. The Hotline to fight Child Abuse over the Internet is currently listed as one of the initiatives in the National Report on Strategies for Social Protection and Social Inclusion 2008-2010, mistakenly giving the impression that this service is still in existence. However, there are reported to be currently no funds with which to provide this service, and the Commissioner for Children has urged the relevant authorities to take urgent action to address this problem.

During this project, in the period between September 2006 and May 2008, 363 reports were received on the Hotline, 294 of which were on potentially illegal websites. Out of the reports received, 261 reports were on indecent material involving children, and another 9 were on other types of child abuse. A total of 89 reports were transmitted to the Cyber Crime Unit within the Police Force.

Aside from involvement within this project, the Commissioner for Children's Office also participated within the events of Safer Internet Day 2008, held at Playmobil fun park in Hal Far on the 26th February 2008.

Transition from Primary to Secondary Schools

In 2008, the Ministry of Education, Culture, Youth and Sport proposed a set of measures aimed at easing the transition for students from primary to secondary education. These include a plan for the phasing out of streaming over a period of three years, in favour of mixed-ability teaching which has proven to be more productive and favourable to the successful education of children.

This proposal is welcomed by the Office, and it is envisaged that such a measure would contribute to the reduction of anxiety and stress amongst school children. Concern is nonetheless expressed

for the children currently within the education system, who would not be able to benefit from such proposals given that the process would only be fully introduced in three years time.

Further proposals within the document include the discontinuation of the Common Entrance Examination, as well as the use of alternative assessments aimed at evaluating the child's progress in a way which reduces the levels of stress and anxiety amongst children in their education.

Separated parents

One of the highest percentages of complaints received by the Office of the Commissioner for Children regard children whose parents are undergoing a legal separation. A large number of these complaints centre around the negative emotional and psychological effect caused by exaggerated delays. The Commissioner for Children has recommended that a fast-track system be established in cases involving children.

The Commissioner for Children has held numerous talks and discussions with organizations such as the support group for separated persons within the Cana movement, and RoSe within Caritas Malta. The Commissioner has also delivered papers on the subject at conferences addressing this issue. On such occasions, the Commissioner for Children has stressed the importance for parents to remain mindful of how the situation is affecting the child. The lifestyle and routine which the child is accustomed to should be protected as far as possible, despite any alterations and adjustments in the parent's living situations.

It is also vital that children are accorded the right to express their views, opinions, and interests without any fear. The Office of the Commissioner for Children attempts to work towards the full participation of the child in matters of relevance to them, and if this right is to be fully implemented it necessitates that the voices of children are

listened to and given due significance.

The importance of child participation, whilst integral in all aspects of life, is highlighted all the more when it comes to cases of marital separation, given that this inevitably has a significant impact on the day to day life of the children involved. When decisions pertaining to a legal separation are taken with the voice of the child absent, it is a fundamental abuse of the rights of the child.

Children in prison

In 2008, the Commissioner brought to the fore cases of children and young people under the age of 18 who were sent to prison. Some of these cases involved children as young as 13 years old. The Commissioner publicly commented on the lack of facilities for children in conflict with the law, leading to these children being sent to Corradino Correctional Facility, in an atmosphere which is not conducive to their successful rehabilitation due to the fact that they are surrounded by adults who are experienced in crime. Such action also goes directly against the provisions of the UN CRC which states that "every child deprived of liberty shall be separated from adults.." [Article 37c]. Some children were sent to Mount Carmel Hospital due to a lack of alternatives, despite the fact that they were not known to be suffering from any mental health problems.

The Commissioner for Children made reference to the Manifesto for Children, in which attention was drawn to Children in Conflict with the Law. A suggestion put forward in the Manifesto is that 'It would be more appropriate if the youth section at Corradino Correctional Facility has a therapeutic residential set up which caters exclusively for children in conflict with the law under the age of eighteen'. The Commissioner for Children urged that therapeutic residential alternatives be made available to these children while they are detained and awaiting trial, as well as after sentencing.

The Commissioner for Children also expressed these concerns in a meeting with the European

Committee for the Prevention of Torture and Inhuman or Degrading Treatment in Punishment (CPT), within the context of an official visit where the Committee undertook research towards formulating a Country Report for Malta.

The Commissioner for Children actively promoted the rights enshrined in the Convention on the Rights of the Child, which in this regard states that a child alleged as, accused of, or recognized as having infringed the penal law is “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.” (Article 40). Furthermore, Article 40 also requires that “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”.

Consultations and Conferences

The Commissioner for Children was involved in numerous consultations on various topics involving children and young people, in order to

ensure that the rights and best interests of the child are placed at the forefront of such discussions. These consultations incorporated discussions on child obesity, the Youth Employment Strategy organized by ETC, the revision of the National Youth Policy, as well as focus groups organized by the Ministry for the Family and Social Solidarity on the topics of irregular immigration, children and young people, addictive behaviours, and disability.

The Office of the Commissioner for Children also participated in the annual conference of the National Commission for the Promotion of Equality, and held a position on the Board of Experts for the ACCESS-Disability Support Committee.

Lastly, the Commissioner for Children also addressed the topic of cultural tolerance, within a conference organized by MACP (Malta Association for the Counselling Profession) on the need to bridge differences. Despite efforts to eradicate various forms of discrimination at government level, this problem unfortunately goes deeper and must be tackled at the grassroots level, in promoting cultural tolerance and respect for cultural diversity. The Commissioner stressed that counselling can play a key role in this, in fostering and encouraging attitudes of acceptance and mutual respect in spite of differences which may exist amongst children and adults alike.



8. International Relations

International relations are important to our Office to:

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

European Network of Ombudsmen for Children (ENOC) meeting with the Council of Europe

Ms. Sharon Attard, Manager of Research and Policy within the office, represented the Commissioner for Children in a meeting which was intended to enhance co-operation between ENOC and the Council of Europe. In sharing priorities and objectives, ENOC and the Council of Europe discussed ways in which they could join forces in concrete actions performed in the best interests of the child.

The seminar gave particular attention to the need for increasing children's participation, as well as the importance of promoting positive parenting (partly through the abolishment of corporal punishment). It was agreed that a total ban on violence against children should be put into place, in order for children to be granted their due dignity and respect. Any alternative to

this would jeopardize the child's inherent human dignity, and promote the image of children as belongings for whom violence is an acceptable disciplinary measure. It is imperative that a zero tolerance approach is adopted on this issue, giving particular emphasis to minor children. The positive parenting message should be given due importance with regards to this issue, in order for parents to be supported to carry out their responsibilities effectively in a non-violent manner.

The conference also raised the issue of fighting racial discrimination and intolerance, through school education aimed at increasing sensitivity towards cultural diversity and promoting intercultural dialogue. Recent migration trends throughout Europe have highlighted the urgent need for such measures, in order to protect the rights of children coming from such vulnerable groups who are at risk of ethnic discrimination. The UN Convention on the Rights of the Child is vital for the due recognition of children's rights in this respect, and should be used as a basis for improving the status of children in all sectors.

The issue of children and the media was also brought forward, given the numerous advancements in this field in recent years. It was noted that there is no mainstream drive on a European level towards the rights and lives on children online, and to this end it is important for the relevant organizations to stand up for the rights, dignity, and privacy of children in this field. There is a lack of mainstream instructions

on how children should use devices such as mobiles and the internet, which is increasingly important given that children are now spending a lot of time online. The focus on internet should not portray the internet as something bad, but as a good educational and informational tool which should be used responsibly.

The Council of Europe Commissioner for Human Rights, Mr. Thomas Hammerburg, made reference to measures taken by the Council of Europe through the programme 'Building a Europe for and with Children', which aimed at promoting children's rights and protecting children from violence. Amongst other actions, the programme outlined measures towards child friendly justice, and paved the way for making justice processes more accessible to children.

It was decided that there would be an attempt to establish procedures on how ENOC can further collaborate with the Council of Europe on these issues, amongst others. There was a consensus on the need for improved co-operation between nation-wide ombudsmen on specific topics, as well as the need for this co-operation to be further strengthened with the Council of Europe Commissioner for Human Rights. The Council of Europe stated that the role of the European Network of Ombudsmen for Children was vital for feedback on the implementation of Council of Europe recommendations and resolutions, and plays an integral part in sharing relevant information, approaches and strategies which are conducive to the full recognition of children's rights in Europe.

Eurochild AISBL General Assembly and Policy Forum

Ms. Sharon Attard, Manager of Research and Policy within the Office of the Commissioner for Children in May 2008 attended the General Assembly and Policy Forum of Eurochild AISBL, a network aimed at promoting the welfare and rights of children and young people in Europe. Eurochild AISBL is funded by the European

Commission within the Community Action Programme to Combat Poverty and Social Exclusion. In this respect, the topic of poverty and social exclusion was given importance during the policy forum, and is outlined as a main goal for 2008 as Eurochild members work to monitor and influence member states' commitments to tackling child poverty in the Open Method of Co-Ordination (OMC) on social protection and social inclusion. This will be achieved in part through monitoring and evaluation of National Strategies on Social Protection and Social Inclusion, which aim to set clear targets for the eradication of child poverty. Indeed, Eurochild in 2007 published a comprehensive review of member states national reports on strategies for social protection and social inclusion from a child's rights perspective. This review enabled all members to learn from one another with regards to successful policies and practices, and such a coordinated effort is vital in the ongoing commitment of Eurochild and its members to cooperation at EU level to achieve real progress in tackling child poverty and social exclusion.

Within Malta's national report, some of the key issues identified were the share of children living in jobless households (8.9% in 2005), the unemployment rate of young people (16.8% in 2005), the rate of early school leavers (41.2% in 2005), and the infant mortality rate (5.9% in 2004). The key groups considered to be at the greatest risk of poverty and social exclusion in terms of the report are children in single parent families, children residing in residential care/ leaving care, children suffering from abuse, and children whose parents are residing in institutional care. Malta's national strategy in this respect is intended to give such children an otherwise equal start in life. The Maltese National Action Plan on social inclusion (NAP) identifies four major priorities in this regard, as a means of tackling the current situation. These priorities are (i) Empowering social cohesion, (ii) Building Stronger Communities, (iii) Strengthening the voluntary sector, and (iv) Networking the Social

Welfare sector. Within its assessment of Malta's National Action Plan, Eurochild noted that whilst child poverty was acknowledged in the document, it was not identified as a key priority. There is an evident need to target more vulnerable groups such as disabled children and unaccompanied immigrant minors, whose status places them at a greater risk of poverty. It was also noted by Eurochild that the NAP was lacking in clear time frames, and the voice of the child was missing in the development of the National Action Plan.

The European Council in March 2006 asked Member states to "take necessary steps to rapidly and significantly reduce child poverty, giving all children equal opportunities regardless of their background." This is in line with the Barcelona Targets, encouraging Member states to set targets in their National Action Plans to significantly reduce the number of people at risk of poverty and social exclusion by 2010. Malta has already set numerous initiatives in place in order to address the issue of child poverty and social exclusion, yet it was noted that there is an urgent need for further commitment on these issues in setting quantitative targets for the eradication of poverty and social exclusion at a national level.

In June 2008, the Commissioner for Children publicly commented that it is vital at this stage to establish clear and measurable targets in the eradication of child poverty and social exclusion, indicating clear time frames in which these targets can be met. A coordinated and targeted approach was needed in this respect, in order for our aims and objectives to be fully achievable and reached within a reasonable and established amount of time.

In October 2008, Malta's National Report on Strategies for Social Protection and Social Inclusion for 2008 to 2010 passed through a short consultation phase, in which the Office of the Commissioner for Children was not consulted for feedback. The report continues to build upon the previous 2006-2008 report, with issues such

as migration featuring more prominently in this report. The Office of the Commissioner for Children was pleased to note progress from the 2006-2008 report in some areas of the report. Whilst there are many positive measures outlined in the report with the aim of tackling issues of poverty and social exclusion, it is still noted that clear strategic instruments are needed in order to guarantee the eradication of poverty and social inclusion within a set time frame in a clear and measurable way. Furthermore, it should be noted that at least one initiative outlined within the report, the Hotline to fight Child Abuse over the Internet, has been out of action for some time, with no known plans for the service to continue. This lacuna is highlighted within this Annual Report as one of the primary concerns of the Commissioner for Children.



The Commissioner for Children Ms. Carmen Zammit with Ms. Emily Logan, Irish Ombudsman for Children and Chair of the European Network of Ombudspersons for Children

Annual European Network of Ombudspersons for Children (ENOC) Conference

The Commissioner for Children, Ms. Carmen Zammit, attended the 12th Annual Conference of the European Network of Ombudspersons for Children (ENOC), a meeting intended to bring together all Commissioners and Ombudspersons

for Children in Europe. The Commissioner was also accompanied by the Manager for Research and Policy, Ms. Sharon Attard, in order for the office to benefit from the exchanges made at the conference.

[The meeting was held in Dublin Ireland, and was hosted by the Irish Ombudsman for Children Ms. Emily Logan, who assumed the Chair of the Network as of September 2008. The 3 day conference, attended by 32 Ombudsmen for Children offices from 26 Council of Europe Member States, as well as numerous international experts and observers, was prestigiously opened by Her Excellency Mary McAleese, President of Ireland, who stressed that "The establishment of Offices of Ombudsman for Children across Europe holds great hope that Europe's children and young people, especially those most marginalized will be drawn meaningfully into the mainstream, where their problems and perspectives will be taken seriously."

The aim of the Conference was to facilitate the exchange of information and best practice amongst members of the Network, and to provide a vehicle for the network to engage in international level work. The Network also facilitates the ongoing engagement between ENOC and international level bodies including the Council of Europe, UNICEF, and the UN Committee on the Rights of the Child. To this end, the conference theme for 2008 focused on effective implementation of the Convention on the Rights of the Child, and how this might be better achieved by those working in the field. As Commissioners and Ombudspersons for Children, members of the Network are expected to promote compliance with the United Nations Convention on the Rights of the Child, along with other international treaties, conventions or agreements relating to children as are or may be ratified or otherwise acceded to by their country.

Discussions ensued with regards to how the United Nations Convention on the Rights of the Child may be more effectively implemented on an

international level, a European level, as well as a National level through the key actors which were present at the Conference. In the discussions which were held, much importance was given to promoting the best interests of the child, the full prohibition of corporal punishment in all Council of Europe Member States, and increasing child participation in social matters of relevance to children, such that the practice of integrating children's opinions and views may become the norm rather than the exception.

In addition to participating in the official conference, Ms. Carmen Zammit also formed part of the ENOC working group on access to international justice for children, drawing on the expertise available at the office. The group is currently working on avenues towards child-friendly justice, through campaigning for a complaints mechanism to the United Nations Convention on the Rights of the Child. With such procedures in place, children would be able to access justice mechanisms themselves when their rights have been abused.

Building a Europe For and With Children: Towards a Strategy for 2009-2011

The Commissioner for Children attended a Council of Europe conference in Stockholm, Sweden, as part of the Council of Europe Programme 'Building a Europe For and With Children.' The programme was mandated to co-ordinate all children's rights activities, help mainstream these into policies in other fields, and take bold measures to protect children from violence.

Strengthening the future work of the programme was highlighted as a priority of the Swedish presidency of the Committee of Ministers. As a result, the conference aimed to define the paths that the programme should take in the years 2009-2011, devise new strategies that will help countries address all forms of violence against children, and push for a genuine culture of children's rights in Europe. Child-friendly justice,

child participation and strategic approaches to violence against children were some of the priority areas to be discussed in this context.

The Commissioner for Children dedicated much time and attention towards the issue of child-friendly justice during her participation in the conference, and participated in the seminar entitled 'Towards European Guidelines on Child-Friendly Justice: identifying core principles and sharing examples of good practice'. The Council of Europe was in the midst of preparing European guidelines that would help governments make their judicial systems more adapted to children's needs, and which would allow children to express their views more freely, whether as a witness, victim, a child in conflict with the law, or giving opinions on issues that concern them. Within the seminar, participants discussed the implementation of standards related to children in all spheres of the judicial system, and shared good practices with one another. The legal advisor to the office was also a participant to the conference where she presented her findings regarding the rights of children in accessing civil justice, in her capacity as Council of Europe expert.

The Commissioner for Children fully supported the drafting of these guidelines, particularly in light of the current situation in Malta with regards to children in court. Court cases involving children have been brought to the attention of the Office of the Commissioner for Children on numerous occasions. A frequently arising concern is that of court delays, and their negative impact on children. The Office of the Commissioner for Children has received a number of complaints regarding the negative emotional and psychological effects caused by exaggerated delays.

The Commissioner has previously stressed the need for child participation within court

proceedings to be given due consideration, and for the wishes of the child to be given due weight. It is vital that children have the necessary access to justice mechanisms, and that procedures are in place in order to enable them to participate in court proceedings where necessary, in a manner which is appropriate to their age. In this respect, the conference emphasized the notion of child participation on all levels, empowering children to make their voices heard in various spheres of society.

5th Annual Eurochild Conference

The Commissioner for Children attended the 5th Annual Conference of Eurochild, held in Budapest Hungary and entitled 'Including children: a child rights approach to child well being'. The event aimed to highlight how EU instruments, particularly the EU's social cohesion process, can support government efforts to develop long-term, comprehensive children's strategies and to reduce child poverty.

In 2008, Eurochild stated that EU Member states were expected to submit their 2008-2010 National Strategy reports on Social Protection and Social Inclusion (NSRSPSI) to the European Commission. Despite identifying child poverty as a priority, it was noted that there was a huge gap between aspiration and reality on the ground. It was pointed out that many of the social inclusion strategies do not have child-specific targets to reduce child poverty in Europe. They do not frame children's health, education or welfare in terms of their rights. Eurochild stated that very few countries take a child rights approach and refer to the United Nations Convention on the Rights of the Child. It is vital for a coordinated strategy with clear targets and time frames for the eradication of child poverty to be established, and for the necessary resources to be made available.

European Forum on the Rights of the Child

The European Forum on the Rights of the Child is a permanent group for the promotion of children's rights, in internal and external action, and was launched following the adoption by the European Commission on the 4th July 2006 of the Communication entitled "Towards an EU strategy on the Rights of the Child". The role of the Forum is to advise and assist the European Commission and other European Institutions, in particular as regards mainstreaming of children's rights, and exchange information and good practice. The Forum aims to be a place allowing for children's opinions to be heard and taken into account.

The third European Forum on the rights of the child looked at the question of children's participation in the making of the policies that affect them and the issue of violence against children. A competition for this event was held, entitled 'I have a right to protection' and one of the first prizes this year went to a group of children from St. Dorothy's School in Malta.



9. Legal Issues

In February 2008 the Various Laws (Civil Matters) (Amendment) Act, 2008 came into force directed at:

1. Enabling the filing of an action for disavowal after the time limit provided in Article 73 of the Civil Code in cases where the Court, after considering the rights of the father and of the child considers it appropriate to authorize the filing of such an action, (following the decision of the European Court of Human Rights in *Mizzi vs. Malta*); and
2. Clarifying, in line with case law, the issue regarding the surname to be assumed by some natural children, to avoid conflicting interpretations of Article 382 of the Code of Organisation and Civil Procedure and Article 101(2) of the Social Security Act.

On the 1st May 2008 the Adoption Administration Act (Chapter 495 Laws of Malta) came into force making provision for the administration of adoption proceedings. At the same time amendments to the Civil Code, insofar as these relate to adoption, were also brought into effect. The Commissioner for Children Report for 2007 had expressed concerns over a number of issues which were still at the proposal stage in 2007, and

while some of these were incorporated into the final law others have remained in their original format, particularly regarding representation rights and termination of parental rights. The Commissioner for Children had already had occasion to comment on these amendments in her previous year's report. It is hoped that the changes brought about by the Act and the amendments combine to permit greater opportunities for children to live in a stable alternative family where their own family is unable or unwilling to care for them.

In November 2008, Amendments to the Criminal Code (Court Practice and Procedure and Good Order) clarified the notion that children under the age of 13 years may not be brought to court unless to act as witness or where required by the Court or authorized by the Registrar of Courts or the Chief Justice.

Also in November 2008, the Budgetary speech outlined that the minimum drinking age would be raised from 16 to 17. Whilst this is an improvement, the Commissioner for Children's Office maintains the recommendation that the minimum age be raised to 18.



10. Summary

In 2008, the Office of the Commissioner for Children aimed to implement various in-house initiatives, and was successful in doing so. Amongst these were i) the creation and promotion of a child-friendly mascot for the Office, ii) the publication and launch of the Manifesto for Children, iii) the organization of subsequent public discussions on the topics presented in the Manifesto, iv) the completion of the first phase of research on Looked After Children, v) the release and promotion of a Children's Rights Game, vi) the release and promotion of a Children's Rights Colouring Book, vii) the initiation of a Platform for Children, and viii) the organization and delivery of a children's rights course, amongst other initiatives. In-house initiatives were largely successful; however some delays and obstacles were confronted when initiatives depended on the co-operation of outside entities.



Concerns of the Commissioner for Children

In accordance with the Commissioner for Children Act 2003, the Commissioner for Children presented an Annual Report for the year 2007 which incorporated, amongst other aspects, 'recommendations regarding the need for legislation or change in rules or policies'(art. 19 1. [c]). These were duly presented to the Social Affairs Committee within the House of Representatives for discussion, and some remain outstanding.

Issue	Elaboration	Proposal	Action taken
Incorporation of the Convention on the Rights of the Child into domestic legislation.	An important step was taken when Malta ratified the UN Convention on the Rights of the Child on the 26th January 1990. The Convention has not been incorporated into local law and domestic legislation is not yet fully compliant with the Convention.	It would be commendable for instance were the Convention on the Rights of the Child, which is a human rights instrument, to be incorporated into domestic legislation [as in the case of the European Convention on Human Rights], in keeping with the recommendation of the Committee on the CRC in 2000.	Ongoing concern.
Lack of National Structures and National Policy for Children	A comprehensive national policy on the implementation of the rights enshrined in the UN Convention is known to be in the process of formulation. There is currently a lacuna in our	It is necessary for a National Policy for Children to be completed at the earliest opportunity, and implemented without delay.	Ongoing concern

legislation through the conspicuous absence of National Structures, and a co-ordinated National Strategy for Children.

Department for Children	There is no central entity which assumes responsibility for the formulation of strategies and policies, and monitoring services specifically with regards to children. The Department of Social Welfare Standards does not seem to have the necessary structures to effectively monitor standards essential for children.	The setting up of a Department of Children entrusted with policy and planning would contribute towards a clearer definition of roles and free the Department for Social Welfare Standards to engage in the task principally entrusted to it, which is overseeing service delivery.	The Social Affairs Committee of Parliament have proposed the publication of a directory which incorporates all official entities currently working with and for children. This solution in itself is inadequate, and fails to address the problems falling within this stipulated concern.
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Children Act	There is currently no Children's Act. The Children Act is intended to be a collection of all legislation pertaining to children. Professionals and service users at present find it difficult to access relevant legislation, and the piecemeal introduction of child legislation causes variations in interpretation and application of the law which is not in the best interest of the child.	The immediate completion and enactment of a Children Act should be given a high priority. This could be avoided if a fast track system of cases were established in cases involving children.	Ongoing concern
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Family Court – Court Delays	The Office of the Commissioner for Children has received a number of complaints regarding the negative emotional and psychological effects caused by exaggerated delays.	It is vital that children have the necessary access to justice mechanisms, and that procedures are in place in order to enable them to participate in court proceedings where necessary, in a manner which is appropriate to their maturity and understanding.	Ongoing concern
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Family Court –
Child Participation and
Access to Court

The wishes of the Child should always be taken into due consideration in making decisions which affect them. Failure to do so may have negative repercussions which will be deeply felt by the child.

Efforts should be taken for children to retain a relationship with their biological family, and support must be provided in this respect, partly through the provision of this essential service.

Ongoing concern

Family Court –
Supervised Access Visits

It was brought to the attention of the Commissioner for Children's Office that there are a number of children who are entitled to see their parents under supervision, and who have been unable to do so for some time. Waiting lists are cited as a reason for such delays. This is a matter of great concern, particularly given that the majority of these situations arose as a result of financial difficulties of parents who were unable to pay for Supervised Access Visits.

Children should not be prevented from meeting with their parents, unless it has been established by the courts that it is not in the best interests of the children involved to have contact with their biological parents. Such a service should not be subject to payment on the part of the non-custodial parents.

Juvenile Justice

The UN CRC and recommendations of the Council of Europe Committee of Ministers on the European Prison Rules establish that children under the age of eighteen years should not be detained in a prison for adults, but in an establishment designed for their purpose.

In 2007, Corradino Correctional Facility held 9 residents aged 15-17 (8 males and 1 female). Of

The Commissioner for Children has released statements expressing concern over the imprisonment of children, and calling for the provision of alternative methods of detention, such as therapeutic residential set ups for young offenders which are located outside of the Corradino Correctional Facility. The use of alternatives such as Mount Carmel Hospital is also unacceptable and

Ongoing concern

these, 5 were sentenced and 4 were awaiting trial.

In 2008, the number rose to 16 residents between the ages of 13 and 17, and this number was comprised of 12 males and 3 females. Out of this number, 11 were sentenced, and 5 were awaiting trial.

detrimental to children, unless the child is actually diagnosed with a mental health condition. There is a great need of services which are tailored to the specific needs of children and young people who are in conflict with the law.

Sports –
Inquiry into Youth
Football Nurseries

Within the field of sports, further recommendations have arisen through the inquiry into youth football nurseries, initiated by the Office of the Commissioner for Children in 2007.

Amongst other recommendations, the inquiry has observed that the interest and welfare of the children should precede any other consideration, that enrolment forms and registration forms should be available in both Maltese and English and in a language adapted to both parents and children, and there is a need for greater training and regulation of coaches.

Ongoing concern
Under L.N 63 of 2008, entitled Sports Persons (Registration) Regulations, the registration of sports persons is now underway. The Register is maintained by Kunsill Malti għall-iSport.

Sports –
National Child Protection
in Sports Policy

A National Child Protection in Sport Policy was recently drafted by the Kunsill Malti għall-iSport.

Once this Policy is completed, it is vital that it is fully endorsed and monitored by all clubs and entities working with children.

This work is currently in its final stages, and will hopefully be incorporated into a legal framework and implemented without delay.

Sports –
Monitoring and
regulation of sports
facilities

There are currently limited provisions for Kunsill Malti għall-iSport to undertake the monitoring and regulation of existing and proposed sports facilities due to lack of human resources, inasmuch as the building and structure of these facilities is concerned.

Provisions should be in place in order for Kunsill Malti għall-iSport to be able to ensure that child protection measures are observed to the highest possible degree within sports facilities.

Ongoing concern

Body piercing

There is no regulation of body piercing on minors.

The Commissioner for Children has requested that the body piercing of minors be banned or made subject to parental consent.

The Control of Tattooing Act (Chapter 270) specifies that: it shall be an offence against this Act to tattoo any person who is under eighteen years of age or to tattoo any other person unless by a person who is in possession of a valid licence (art.3). Such a provision should be extended to cover body piercing, as the issue remains of great concern among parents and to a number of doctors who have pointed out the adverse health repercussions when such piercing is not carried out professionally.

Following a number of referrals received by the Office of the Commissioner for Children, contact was made with the Honourable Ministers for Justice, Health, and Social Policy relating to the issue of body piercing of minors. To date, a legal notice to the Public Health Act (Chapter 465) has been issued to regulate body piercing in general, but makes no specific reference to body piercing on minors.

Consumption and Selling of Alcohol to Minors

With regards to alcohol, the Commissioner for Children was pleased to see the introduction of new sections into the Code of Police Laws in 2007 (Cap. 10 Part XXV B), whereby the sale, serving, or procurement of alcohol to minors under the age of 16 has become unlawful. Similarly there has been the introduction of the prohibition of the consumption of alcohol by such minors in any public place.

Whilst these are very positive steps, the office of the Commissioner for Children remains concerned that this law is not being enforced as effectively as it could be. Enforcement must be fully implemented, in a way which takes into account all outlets where children may have access to alcohol, such as supermarkets. The Commissioner also remains committed to the extension of this legislation to cover all children, i.e. those persons under the age of eighteen years of age and not 'minors' as defined under this law, which

In November 2008, the Budgetary speech outlined that the minimum drinking age would be raised from 16 to 17. Whilst this is an improvement, the Commissioner for Children's Office maintains the recommendation that the minimum age be raised to 18.

Health – Screening tests at birth	At the birth of a child, two screening tests are currently provided, in order to identify possible illnesses at an early stage in the child's development.	now means any person under seventeen years of age.	In order for early identification of illness to be more effective, it is suggested that research is undertaken by the competent authorities to introduce additional screening tests. The introduction of these tests would amount to very little expense, and would greatly contribute to the prevention of serious health problems later on in the child's life.	The working Committee (PONNS) on the issue has undertaken a general review on the current situation, incorporating a consideration of the scientific basis and current genetic situation of Malta. The final report of this review has been submitted to the Director-General of Strategy and Sustainability, & is currently being evaluated.
Health – Prescription of drugs to children with mental health problems	The Commissioner for Children is concerned with the use of medical control of children with mental health problems.	The Office feels strongly that treatment should be identified to suit the child, rather than the carer.	Ongoing concern	
Children's Right to Play	Children are not always able to enjoy their right to play owing to many factors, including academic pressures, the exam-oriented education system, excessive parental anxiety, and an overloaded school and after-school timetable. A lack of adequate play facilities also contributes towards this problem.	Further measures should be taken in order to remove such obstacles which are currently inhibiting children's right to play.	Ongoing concern	
Residential care for children under the age of 5	International research has highlighted that residential care is particularly detrimental to children under the age of five, and that fostering is a much better alternative for children at this stage of development. As the law stands, however,	A threshold should be established below which it is illegal to admit children into institutional care. There is also a pressing need in this respect for updated legislation and improved social work practice that supports the waiving of parental rights, in	Ongoing concern	

it does not include the possibility of temporarily freeing looked after children for fostering when parents do not give their consent. A number of parents still prefer their children to be in residential care rather than foster care.

order to respect the rights of the child to a healthy environment. This will ensure that these children have the opportunity to benefit from an alternative family home through foster care.

Institutional Care and Foster Care

The majority of children in out-of-home care in Malta currently reside within institutional care, as opposed to a more family-oriented environment. Whilst the significant work of such institutions is to be recognised, local, European and International qualitative research has shown that children placed in foster care fare better than those placed in institutionalized care. Nonetheless, there are by far more children who are placed in these large institutional and residential homes, as opposed to being placed in foster care, given that the availabilities and support for the latter type of placement are still scarce.

Institutional-type residential care should ultimately be phased out in favour of fostering by professionally trained and adequately paid foster carers. Children placed in care should be cared for by professionally trained personnel and should be placed in small groups in child-friendly premises within the community. The provision of institutional care should be limited to cases that would not benefit from fostering.

Ongoing concern

Social Exclusion

More efforts are necessary in order to reach out to children on the margins of society, such as children of refugees and irregular immigrants, young people with very challenging behaviour, and those suffering from poverty, and from mental health issues.

Greater support must be given within the community towards children and families living in circumstances which may result in their exclusion.

Ongoing concern

Child Poverty

Malta has already set numerous initiatives in place in order to address the issue of child poverty and social exclusion, yet there is an urgent need for further commitment on these issues in setting quantitative targets for the eradication of poverty and social exclusion at a national level.

It is vital to establish clear and measurable targets in the eradication of child poverty and social exclusion, indicating clear time frames in which these targets can be met. A co-ordinated and targeted strategy is needed in this respect, in order for our aims and objectives to be achievable.

In October 2008, Malta's National Report on Strategies for Social Protection and Social Inclusion for 2008-2010 passed through a short consultation phase which did not include the Office of the Child Commissioner.

This report continues to build upon the previous 2006-2008 report, with issues such as migration featuring more prominently in this report. The Office of the Commissioner for Children was pleased to note progress from the 2006-2008 report in some areas. Whilst there are many positive measures outlined in the report with the aim of tackling issues of poverty and social exclusion, it is still noted that clear strategic instruments are needed in order to guarantee the eradication of child poverty and social inclusion within a set time frame in a clear and measurable way.

Family friendly measures and child care

Children nowadays are living in a time where financial constraints result in both parents having to work outside the home. The present situation has resulted in a demand for family-friendly measures that help parents effectively balance work and family responsibilities.

The public and private sectors are both beginning to respond to the growing demands for quality child care services. Whilst this is to be commended, it must be stressed that Malta is still quite limited with regards to the provision of child care services. Such services must better respond to the present

Ongoing concern

situation. Some day care facilities are at times expensive, and do not operate at hours which correspond to regular office hours. Difficulties are encountered by parents who work night shifts. In this respect, provisions for improved family friendly measures should be made, which better reflect the working reality that many parents are currently facing.

In addition to the concerns presented within the Annual Report for 2007, the Commissioner for Children wishes to highlight the following concerns within the context of this Annual Report, for the year 2008:

Issue	Elaboration	Proposal
Juvenile Court – Co-accused minors	At present, co-accused minors do not have the right to have their cases heard before the Juvenile Court when the offence has been committed with an adult.	Measures should be taken in order to establish the right for co-accused minors to have their cases heard before the Juvenile Court.
Age of criminal responsibility	The UN CRC has expressed its concern “at the low age of criminal responsibility (9 years); at the assumption, contained in the State party’s legislation, that a child between 9 and 14 years could act with ‘mischievous intent’” (Concluding observations; Malta, UN Committee on the Rights of the Child, June 2000)	The age of criminal responsibility should be raised. The Committee on the Rights of the Child have recommended that the age of criminal responsibility be raised to 14.
Community Support	There is currently little support offered at community level for persons with mental health problems. This impacts negatively on children, should the necessary	Necessary community-based resources should be assigned in order to ensure the provision of community support where required.

support be lacking for themselves, or for their parents to undertake their parental responsibilities effectively.

Assistance to children acting as carers

A number of children are being excused from formal education on the premise of acting as 'child carers' and caring for another member of their family. Such an absence from school should be unjustified, as it deprives the child of his/her right to an education.

Necessary support should be provided in order to enable all children to attend school regularly, and benefit from a good quality education. Family support should also be provided, in order to prevent children from having to adopt the role of 'carer' themselves.

Absenteeism

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 towards the latter. Furthermore, medical certificates are often taken at face value, and are not followed up in an effort to identify those which are unjustified.

Research should be conducted in order to identify the main reasons for children and young people being absent from school. Furthermore, a systemic collection of statistics should be undertaken, in order to distinguish recurrent and regular absenteeism from occasional absenteeism. It is essential that medical certificates are followed up and validated on suspicion of being fraudulent. Subsequent action must then be taken against the doctors who are known to have issued such certificates.

National Policy and National Strategy for Looked After Children

There exists no National Policy and National Strategy on Looked After Children. Without such measures in place, it is increasingly difficult to ensure that the best interests of the children in the care system are observed. All placements of children in care (including hospital care) should be regulated according to a personalized care plan tailored for the present and future needs of each individual child. This can only be guaranteed through the introduction of a National Policy and a National Strategy on Looked After Children.

A National Policy and a National Strategy on Looked After Children must be formulated at the earliest possible opportunity, and given the necessary resources for its successful implementation.

Handling of Care Orders

Children who are entitled to special care and assistance from

It is crucial that children receive the care and protection from the

the State are placed under a care order, following an assessment which determines that it is not in the best interests of the child to continue to reside in the family home. The State is duty bound to provide these children with an alternative healthy family environment which was denied to them by their parents.

Nonetheless, a total of 23 children (12 girls and 11 boys) resided within the family home in 2008, notwithstanding the issuing of a care order. The reason given for this is the lack of alternative arrangements regarding where these children can be sent.

State to which they are entitled, and are not left to reside in a home which has been determined an unfit environment for their healthy upbringing.

Urgent investment is required in alternative accommodation for children when they are unable to reside within the family environment, in accordance with the UN Convention on the Rights of the Child. Such alternatives must be therapeutic, and meet their individual needs in terms of their healthy social, emotional, physical, and psychological well-being.

Legislation regarding the voluntary placement of children in care

Discrepancies currently exist between the treatment of children who are in care following a care order or court order, and those who are placed in care voluntarily because the biological parents are unable to cope with their parental responsibilities owing to poor mental health, substance abuse or other reasons.

Present and future legislation pertaining to children in out-of-home care should be fully applicable to children who are placed in care voluntarily. Such children should be guaranteed the same rights as children who are placed in care following the issue of a care order or court order. All placements of children in care, whether voluntary or involuntary, should be regulated by law.

Hotline to Fight Child Abuse over the Internet

There is currently a lack of clear official child-friendly avenues for children to report cases of internet abuse. In July 2006, EU funding helped set up a Hotline to fight Child Abuse over the internet but in February 2008, funds were not renewed. No alternative funds have been found to maintain a service.

It is vital that such a service is not suspended simply because funds from the European Commission are not forthcoming. This must be viewed as a responsibility to our children which does not depend on occasional EU funds.

Authorities should take urgent action to address this problem, by exploring possibilities of how Child Abuse over the Internet may continue to be fought, through the continuation and support of such a reporting service.

Lourdes Home

The Commissioner for Children was informed of the impending closure of Lourdes Home only

It is essential that the recommendations of the Commissioner for Children are

once the decision to relocate the children had already been taken. The intervention made by the office, as well as the effort to advocate for a solution which would have been in the best interests of the children involved, were duly ignored. The Commissioner for Children made numerous efforts to contact all stakeholders concerned in this situation. Communications with Gozitans who were directly involved with these particular children have led the Commissioner to the conclusion that the best interests of the children were not adequately observed in this case.

given due consideration by the necessary decision-makers, and the Commissioner be informed in an appropriate manner when alternative measures are taken.

The Commissioner for Children urges the authorities to take immediate steps to address this lacuna regarding out of home care in Gozo, and ensure the provision of necessary services immediately.

Sex Offenders Register

This particular case further highlighted the lack of consideration accorded to the authority of the Commissioner for Children, given that such an active attempt to advocate for the rights and interests of children was given no consideration.

The Commissioner for Children remains concerned that there currently exist no facilities for out-of-home care in Gozo where required.

There are currently limited provisions for ensuring that individuals who are guilty of (or are allegedly guilty of) sexual crimes do not come into contact with children in their work, whether this work is undertaken on a voluntary basis or in a paid capacity. Recent cases of sexual abuse have highlighted the need for such a register to be put in place at the earliest opportunity.

Discussions relating to the need for a sex offenders register should be held without any further delay, remaining mindful of how such a register should function within the socio-cultural climate of Malta. It is vital that consultations are held with all necessary stakeholders, in deciding how such a register should operate in Malta.

