



Convention on the Rights of the Child

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Second periodic reports of States parties due in 1997

Malta*

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I. Introduction

1. Malta's commitment to the objectives of the Convention on the Rights of the Child is evident in the increased and enhanced development of legislation, policies and services for children. The introduction of new legislation and amendments to existing laws, as well as the investment of resources in widespread services, and the development of human capital and administrative capacity can be considered as important achievements that have led to significant progress. The balanced mix of developing legislation, policy and services is crucial and essential to secure an effective approach to the implementation of the Convention on the Rights of the Child.

2. The setting up of the Office of the Commissioner for Children has been the most significant development leading towards adherence to the Convention on the Rights of the Child. The Commissioner for Children Act (Chapter 462 of the Laws of Malta) reflects the fundamental principles established in the Convention, and the establishment of this office was a concrete and effective step towards the development of a child-friendly society, a pledge to respect the rights of children and an important mechanism that leads to accountability on this commitment.

3. The Commissioner for Children, acting on the advice and assistance of the Council for Children, takes a cross-government perspective and incorporates the commitment of the different entities to improve children's lives. The role of the Commissioner is also to create awareness of children's rights, to advocate for the inclusion of these rights in the legal and administrative framework and to monitor children's services. Most importantly the Commissioner for Children strives to give children a voice.

A. Background

Socio-economic development

4. Malta has recently experienced significant developments on the political, cultural, social and economic levels. These developments took place within the context of an ageing population, changing family patterns, improved living conditions, better health and education services, more tolerance for diversity, the promotion of gender equality and diversification in employment.

5. Malta's socio-economic development rests on three main pillars:

- Sustaining economic growth and competitiveness through the generation of a knowledge-based and competitive economy
- Safeguarding the natural and urban environment
- Ensuring continuous investment in human capital and education.

6. The Government's task is to create "a dynamic, high value added economy founded on competence, skills and excellence and one which is capable of sustaining a high standard of living for all citizens".¹

7. Malta's major economic challenges include the reduction of excessive government deficit, the creation of productive employment opportunities, as well as guaranteeing sustainability in public finances. In the scenario of the ever increasing globalisation, Malta is facing stiff competition – a situation that requires significant investment in the country's productive sectors, an increase in productivity, and an improved infrastructure that attracts

¹ National Strategic Reference Framework, p. 5.

investment and creates jobs. In this context various sectors of the Maltese economy have been undergoing reforms.

Demographic trends in Malta

8. Maltese children and their families are influenced by political, socio-economic and cultural developments. The Maltese family is not neutral to its surroundings. Developments in the Western world indicate that family life is not to be taken for granted. Decline in the choice to marry, delayed commitment to marriage, shorter marriage endurance and lower birth rates are all shifts which the family is experiencing in the Western world including Malta. As a result, the family is no longer uniform or homogeneous but is more varying and arbitrary.

9. The total population of Malta at the end of 2004 was estimated at 402,668² persons, of which 89,745 are children within the 0–17 age bracket (43,589 are females and 46,156 are males). The increase in population is the net result of two demographic aspects: the difference between births and deaths and the migration balance. In fact, the number of children most couples are opting to have is also on the decline. In 1997, there were 4835 live births while in 2004 there were 3686 live births.³ This is further indicated by the fact that the total fertility rate for 2004 is 1.37, which is well below the rate of 2.1 considered to be the replacement level for developed countries.⁴ Furthermore, the average household size is decreasing. The Labour Force Survey for the last quarter of 2004 shows that the average household size in Malta is of three persons⁵ as compared to 3.07 in 2000.⁶

10. As a consequence of changing social environment, the proportion of births outside marriage has increased at a considerable rate, from 2.2 per cent (of all births) in 1992 to 14.9 per cent in 2002. In 2004, 18 per cent (697) of all deliveries occurred to mothers who were never married (single); while 81 per cent (3101) of all deliveries occurred to mothers who were married once (married, widowed, separated). The remaining 1 per cent (40) of deliveries had no marital status specified. In 2004, according to the data registered in NOIS, of the 697 mothers who gave birth and were never married, 693 were reported as having ‘support at home to raise the infant’, two were registered as “not having support at home” and for another two mothers this data was not specified. This is indicative that single mothers are strongly supported by their extended family or other relationship or community support networks.

11. Ever changing trends in marriages contribute towards the shift in family structures and dynamics which leave an impact on children’s lives. The number of marriages stood at 2,350 in 2003, of which 803 were civil marriages. There is a marked increase in the index of marital separations which went up to 429.5 in 2002 from 100 in 1995 and the number of marriages declared null went up to 174 in 2003, compared with three in 1980.

12. Population ageing is a current characteristic being experienced by the Maltese population. These demographic shifts in an ageing population are raising various concerns implying major social and economic effects on our society. Such implications include a decrease in young people in the workforce and as a result, the sustainability of the welfare State, particularly the pension and health sectors, are put in question if the current demographic adjustments persist.

² National Statistics Office – News Release No. 217/2004.

³ National Statistics Office – Demographic Review, 2004.

⁴ *ibid.*

⁵ National Statistics Office – News Release No. 99/2005 “International Day of Families”, 13 May 2005.

⁶ National Statistics Office – News Release No. 38/2000.

13. In 2004, children made up 22.5 per cent of the total Maltese population. This figure shows a decrease of 8.5 per cent over 1980. As indicated in the table below the highest number of children fall in the 10–14 years bracket, while the lowest number fall in 0–4 years bracket, indicating the decrease in birth rate.

Figure 1
Child population by age

<i>Ages</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
All ages	198 099	201 768	399 867
0–17 years	46 156	43 589	89 745
0–4 years	10 469	10 106	20 575
0	2 015	2 012	4 027
1	2 060	1 843	3 903
2	2 029	1 915	3 944
3	2 142	2 166	4 308
4	2 223	2 170	4 393
5–9 years	12 586	11 716	24 302
5	2 339	2 223	4 562
6	2 585	2 331	4 916
7	2 581	2 436	5 017
8	2 538	2 335	4 873
9	2 543	2 391	4 934
10–14 years	14 376	13 626	28 002
10	2 731	2 534	5 265
11	2 831	2 688	5 519
12	2 912	2 742	5 654
13	2 933	2 777	5 710
14	2 969	2 885	5 854
15–17 years	8 725	8 141	16 866
15	2 916	2 807	5 723
16	2 875	2 760	5 635
17	2 934	2 574	5 508

Source: National Statistics Office – Malta, No. 217/2004.

14. As explained in the table below, 90.9 per cent of the fathers having children aged less than 17 years were employed in 2003, while only 25.8 per cent of the mothers were gainfully occupied. 37.3 per cent of these mothers were employed as part-timers or worked on reduced hours.

15. It is worth mentioning that 96.1 per cent of Maltese mothers choose not to work and remain inactive due to their personal and/or family responsibilities. Child care remains one of the top priorities for most of the mothers in Malta.

Figure 2

Labour status of fathers and mothers having children aged less than 17 years, 2003

<i>Labour status</i>	<i>Fathers</i>		<i>Mothers</i>		<i>Total</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Employed	44 740	90.9	13 240	25.8	57 980	57.7
Unemployed	2 281	4.6	950	1.9	3 231	3.2
Inactive	2 186	4.5	37 114	72.3	39 300	39.1
Total	49 239	100	51 291	100	100 530	100

Source: Labour Force Survey 2004.

16. In 2003, 19.3 per cent of the parents in Malta were professionals, legislators, senior officials or managers, another 17.9 per cent occupied a craft or related trade work, 14.9 per cent worked as technicians and associate professionals and another 14.9 per cent worked in service and sales jobs. 11.8 per cent of the parents had elementary occupations whilst 9.6 per cent worked as machine operators and assemblers. 8.2 per cent worked as clerks and the rest occupied jobs either in the armed forces or in agriculture and fishery.

Figure 3

Type of employment for fathers and mothers having children aged less than 17 years, 2003

<i>Labour status</i>	<i>Fathers</i>		<i>Mothers</i>		<i>Total</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Full time	44 273	98.9	8 299	62.7	52 572	90.7
Reduced hours	82	0.2	1 574	11.9	1 656	2.8
Part time	385	0.9	3 367	25.4	3 752	6.5
Total	44 740	100	13 240	100	57 980	100

Source: Labour Force Survey 2004.

B. Ratification of international instruments

17. The Child Abduction and Custody Act (Chapter 410 of the Laws of Malta) was adopted by Parliament on 27 July 1999 and entered into force on 1 August 2000. Through this legislation, the Government acceded to The Hague Convention on the Civil Aspects of International Child Abduction (1980) and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (1980). The Child Abduction and Custody Act stipulates that the role of Central Authority under the Hague Convention be vested in the person of the Director of Family Welfare. The Central Authority files, receives and processes applications of cases related to international child abduction and international access to children.

18. On 7 September 2000, Malta signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

19. On 15 June 2001, the Government of Malta ratified the ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. This Convention followed Recommendation 190 issued by ILO in 1999 on the Worst Forms of Child Labour. The provisions of Convention No. 182 (1999), are reflected in various Maltese laws including the Constitution of Malta, the Criminal

Code and the White Slave Traffic (Suppression) Ordinance and subsidiary legislation issued by virtue of the Employment and Industrial Relations Act.

20. On 9 May 2002, Malta ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. In Malta there are no statutory provisions for conscription or any form of compulsory military service. The Armed Forces of Malta do not recruit a person under the appropriate minimum age of 17 years and 6 months. If the person is still under the appropriate minimum age, then consent to the enlistment has to be given in writing by the parent or legal guardian.

21. Moreover, upon ratification of the Optional Protocol to the Convention and in accordance with article 3, paragraph 2, the Government of Malta declared that in the future, if any recruitment of persons under the age of 18 years of age is made, such members of the armed forces would not take part in hostilities.

22. In 2003, Malta signed the Convention on Contact Concerning Children (Council of Europe). The objects of this Convention are:

- To determine general principles to be applied to contact orders
- To fix appropriate safeguards and guarantees to ensure the proper exercise of contact and the immediate return of children at the end of the period of contact
- To establish cooperation between central authorities, judicial authorities and other bodies in order to promote and improve contact between children and their parents, and other persons having family ties with children.

23. On 24 September 2003, Malta ratified the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially in Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. Article 248(e) of the Maltese Criminal Code defines ‘traffics a person’ or ‘traffics a minor’ as the ‘recruitment, transportation or transfer of a person, or of a minor as the case may be, including harbouring and subsequent reception and exchange of control over that person, or minor, and includes any behaviour which facilitates the entry into, transit through, residence in, or exit from the territory of any country’ for the purpose of exploiting that person in the production of goods or provision of services which infringe labour standards, governing working conditions, salaries and health and safety. Furthermore, the code makes provision against the trafficking of persons for prostitution and/or pornographic production or performances as well as the exploitations of persons in the removal of any organ of the body.

24. On 14 October 2004, Malta also acceded to the Hague Convention on the Protection of Children and co-operation in respect of Intercountry Adoption of 29 May 1993. This Convention came into force on 1 February 2005.

II. General measures of implementation

25. On ratification of the 1989 Convention on the Rights of the Child, Malta made a reservation to article 26 on 30 September 1990. In May 2000, the United Nations Committee on the Rights of the Child considered Malta’s first report on the implementation of the Convention, which report had been submitted in 1997. In its concluding remarks the Committee recommended that Malta should “review the reservation made to article 26 of the Convention with a view of withdrawing it”. In this regard, the Government of Malta withdrew this reservation on 20 July 2001.

A. Measures taken to harmonize national law and policy with the provisions of the Convention

Existing Constitutional rights

26. Children's rights as set out in the Convention are provided for in the Maltese Constitution. There are a number of provisions which safeguard constitutional rights, including rights of children, mainly article 2 (religion), article 10 (education), article 17 (social assistance), articles 32–33 (personal rights), and article 38 (privacy of home).

Hague Conference

27. Malta became a member of the Hague Conference on 30 January 1995 and to date Malta is a party to four Conventions, namely the conventions of:

- 5 October 1961 abolishing the requirement of Legislation for Foreign Public Documents
- 25 October 1980 on the Civil Aspects of International Child Abduction
- 1 July 1985 on the Law Applicable to Trusts and on their Recognition
- 29 May 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption.

National legislative milestones

28. During the years 2000–2004, the Maltese House of Representatives enacted various laws directly or indirectly related to children. There has been a wide range of new legislative action and changes that enshrine the principles of the Convention into Maltese national law, aimed at preserving and strengthening the rights of children. The following paragraphs will provide a brief overview of the main legislative measures.

29. **Equal Opportunities (Persons with Disability) Act, 2000 (Chapter 413 of the Laws of Malta):** The rights of persons with disability, including children, were legally established through the Equal Opportunity (Persons with Disability) Act in 2000. This Act has two main aims:

- To recognize and safeguard the civil rights of disabled persons and to prevent discrimination against persons on the basis of their disability
- To give a legal identity to the *Kummissjoni Nazzjonali Persuni b'Diżabilità* (National Commission Persons with Disability) making such Commission responsible for the implementation of this Act.

30. The National Commission Persons with Disability, legally established through the same Act, is duty bound to ensure that children are not discriminated because of their disability. Moreover, the Commission also ensures that the individual needs of children with disability are met.

31. Furthermore, throughout these past years, the Government continued to implement an inclusive educational policy by providing the necessary human resources to ensure that the great majority of disabled children receive their education within mainstreamed schools.

32. **Child Abduction and Custody Act, 2000 (Chapter 410 of the Laws of Malta):** The Child Abduction and Custody Act was adopted by Parliament on 27 July 1999 and entered into force on 1st August 2000. Through this Act the Government acceded to The Hague Convention on the Civil Aspects of International Child Abduction (1980) and the European Convention on the Recognition and Enforcement of Decisions Concerning Custody and on Restoration of Custody of Children (1980).

33. **Refugees Act, 2001 (Chapter 420 of the Laws of Malta):** The Refugees Act makes provisions relating to, and establishes procedures with regard to refugees and asylum seekers. It focuses particularly on:

- The Refugee Commissioner
- The Refugee Appeals Board
- Applications for refugee status
- Rights of refugees
- Revocation of Declaration
- Accelerated Procedures.

34. With regard to young persons, the Refugees Act states that “any child or young person below the age of eighteen years falling within the scope of the Act who is found under circumstances which clearly indicate that he is a child or young person in need of care, shall be allowed to apply for asylum, and for the purposes of this Act, shall be assisted in terms of the Children and Young Persons (Care Orders) Act, as if he were a child or young person under such Act”.

35. **Data Protection Act, 2002 (Chapter 440 of the Laws of Malta):** The Data Protection Act was brought fully into force on 15th July 2003, making provisions for the protection of individuals against the violation of their privacy by the processing of personal data.

36. The Data Protection Act makes specific provisions for sensitive personal data, including:

- Racial or ethnic origin
- Political opinion
- Religious or philosophical beliefs
- Membership of a trade union
- Health or sex life.

37. **The Processing of Personal Data (Protection of Minors) Regulations (Legal Notice 125 of 2004)** give special considerations to the vulnerability of minors in certain instances where their parents/legal guardians do not exercise data protection rights on behalf of their child in his/her best interest.

38. In these cases, persons acting in *loco parentis* in relation to the minor, such as teachers or social workers, could process personal data relating to the minor without requiring the consent of the parents when such necessity for consent could be prejudicial to the best interest of the child. In such instances parents/legal guardians are also forfeited from exercising the right of access to data on behalf of their child.

39. **The Children and Young Persons (Care Orders) Regulations (Legal Notice 49 of 1985)** were amended, and the new provisions included:

- Each child or young person under a Care Order is required to have a care plan and will be assigned a key social worker to draw up, coordinate and follow up implementation and progress of the care plan
- A case review is to be held every six months (or less if necessary) during which the child or young person is to be heard

- A child or young person under an interim care order has a right to be represented by an advocate in the process before the Juvenile Court leading to the issue of a definitive Care Order
- The Minister responsible for social policy may delegate a representative to hear the parents or guardians of the child/young persons themselves.

40. **Employment and Industrial Relations Act, 2002 (Chapter 452 of the Laws of Malta):** This act introduced new provisions for the private sector with regard to parental, maternal and urgent leave entitlement that includes part-timers (who work a 20-hour schedule per week) and fixed term employees (with a contract exceeding 18 months). The unpaid parental leave benefit was also extended to adoptive parents.

41. In 2000, the Government published the **Protection of Maternity at Work Places Regulations (Legal Notice 92/2000)** under the Health and Safety Promotion Act, to establish the right for an extra one week of unpaid maternity leave. In practice, this entitles female pregnant workers to a total of 14 weeks of leave receiving remuneration equivalent to 13 weeks of basic wage. Malta has also ratified ILO Convention No. 183 (2000) concerning Maternity Protection.

42. **Equality for Men and Women Act, 2003 (Chapter 456 of the Laws of Malta):** In March 1991, the Government of Malta acceded to the Convention on the Elimination of All Forms of Discrimination against Women. As an international bill of rights, the Convention provides the agenda for action by governments to guarantee equality between the sexes. Following Malta's accession, government departments and parastatal organizations were entrusted with the responsibility of implementing the articles of the Convention that fall under their jurisdiction. This was declared on 14 August 1991 through OPM Circular 66/91.

43. The Government is also committed to review the Social Security Act in the light of the principle of Gender Equality. This aspect is regulated by EU Directive 79/7/EEC (Equal treatment of men and women in matters of social security); EU Directive 86/378/EEC (Equal treatment of men and women in occupational social security schemes) and partly by EU Directive 86/613/EEC (Equal treatment of men and women engaged in self-employed activities and protection of self-employed women during pregnancy and motherhood).

44. The Act on the promotion of equality for men and women gives a detailed definition of what constitutes discrimination based on sex and covers indirect discrimination including situations "when an apparently neutral provision or practice disadvantages members of one sex." It reinforces the principle of equal treatment and equal opportunity for men and women with regard to access to employment. The Act also prohibits gender discrimination in relation to all vocational guidance, vocational training and re-training. It also refers to the obligation of the employer to suppress sexual harassment at the place of work, obliging the employer to provide a report whenever an allegation of discrimination has been made.

45. The Act defines sexual harassment and extends this concept to persons responsible for any work place, educational establishment or any public place that offers goods and services.

46. **Probation Act, 2003 (Chapter 446 of the Laws of Malta):** A new Probation Act was introduced to replace the Probation of Offenders' Act of 1957. The main objective of the implementation of the new Act is to align the probation service with any developments that took place over the years, including the introduction of the community service for offenders and the award of damages to the victims of crime.

47. **Commissioner for Children Act, 2003 (Chapter 462 of the Laws of Malta):** The Commissioner for Children Act was drafted in the spirit of the following 4Ps, derived from the Convention on the Rights of the Child:

- Protection for children and young people

- Promotion of children’s rights
- Provision of services to children and young people
- Participation of children and young people.

48. The Commissioner for Children Act empowers the Commissioner to investigate complaints, issue recommendations, and encourage child impact assessments and compliance notices. This means that if a person or a body fails to comply with the provisions of the Convention on the Rights of the Child, the Commissioner for Children can identify the breach and recommend corrective action.

49. The Civil Code (Chapter 16 of the Laws of Malta), was amended by virtue of Act XVIII of 2004, to remove the prerogative distinction between legitimate and illegitimate children and to replace all references to illegitimate children with the words “children born out of wedlock”. This amendment also provides a legal mechanism by which a natural father, in an out of wedlock birth, will recognize a child to be his. While the system had previously allowed for a man to appear in front of a public notary with the child’s birth certificate and declare that he was recognizing the child as his own, the amendments mentioned above make it necessary for the father to obtain the mother’s consent by means of an official letter prior to recognizing a child as his own. Furthermore, where the child is already a grown up, he/she is informed before a decision is taken on whether recognition is to be effected.

50. **Social Work Profession Act, 2004 (Chapter 468 of the Laws of Malta):** The Social Work Profession Act makes provisions for the regulation of the social work profession and for the establishment of the Social Work Profession Board.

51. The functions of the Board are defined in article 5 of the Act and comprise, amongst others:

- To establish and where necessary, assess existing social work standards
- To considering, process and make recommendations to the Minister with regard to applications for equivalence and recognition of qualifications in social work
- To examine applications for a warrant to practice the profession of social work in Malta and to make recommendations to the Minister on the award or refusal thereof
- To keep an official register of all registered social workers.

52. **Amendments to the Criminal Code:** In light of the Criminal Code Amendments, the White Paper ‘Towards a Better and More Expeditious Administration of Justice’ is expected to be presented by the Ministry for Justice and Home Affairs in January 2005. This white paper, which will be open for public consultation, makes particular reference to the evidence given by children in criminal cases.

53. **Psychology Profession Bill:** A Psychology Profession Bill is being finalised. This Bill will make provisions for the regulation of the psychology profession and will also establish the Psychology Profession Board.

54. **Domestic Violence Bill:** The Coordinated Response Team within the Ministry for Social Policy was set up in March 2000 to coordinate better the existing services available to victims of domestic violence and to identify other services that may be needed. It has drawn up guidelines for police officials on how to deal with cases related to domestic violence.

55. On 22 July 2004, the Minister for the Family and Social Solidarity proposed the first reading of the Domestic Violence Bill in Parliament. The purpose of this Bill is to make special provisions for domestic violence, to establish a Commission on Domestic Violence, and to provide for the designation of one or more agencies responsible for the organization

of preventive, therapeutic and treatment programmes. The Bill also provides for consequential and other amendments to the Criminal and to the Civil Codes.

56. The **Broadcasting Code for the Protection of Minors (Legal Notice 160 of 2000)** under the Broadcasting Act (Chapter 350 of the Laws of Malta) came into force on 1 September 2000. This code considers a minor to be a person under the age of 16 years and makes safeguards against pornographic and violent programmes, programmes which impair the development of minors, advertising and teleshopping directed at minors, misleading advertising, prices, appearances of minors, minors as presenters, testimonials as well as restriction on times of transmission.

57. The **Young Persons (Employment) Regulations (Legal Notice 440 of 2003)** under the Employment and Industrial Relation Act (Chapter 452 of the Laws of Malta) entered into force to:

- Prohibit work by children
- Establish that the minimum employment age shall not be lower than the minimum age at which compulsory full-time schooling ends
- Regulate work by adolescents and young persons
- Ensure that employers guarantee that young people have working conditions which suit their age and are protected against economic exploitation and against any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardize their education.

58. These regulations apply to any person under 18 years of age having a contract of employment or any form of employment relationship with an employer.

59. **Legal Notice 398 of 2004, entitled the Overseas Adoption (Definition) Order, 2004** brought Maltese legislation on adoption in line with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

60. In terms of this Legal Notice, an overseas adoption includes an adoption, whether made in Malta or in a State listed in the Second Schedule to the said order, carried out in accordance with the Hague Convention and included in the First Schedule to this order, whereby a child habitually resident in one contracting State to the said Convention has been, is being or is to be moved to another contracting State, either after his or her adoption in his or her State of origin by spouses, or by a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State, or in the State of origin, provided that all the conditions of this order have been complied with.

61. An adoption qualifies only as an overseas adoption under this Order if it:

- Creates a permanent parent-child relationship
- Takes place in accordance with the Convention.

62. The Department of Family Welfare has been designated as the Central Authority competent to discharge the duties which are imposed by the Convention upon such Authorities.

63. **Council Regulation 2201/2003: Jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility:** The European Council Regulation 2201/2003, better known as Brussels II *bis* is an intricate regulation intended to eliminate conflicts of jurisdiction and difficulties in enforcement of judgements in countries of the European Union (with the exception of Denmark).

64. The Regulation includes civil cases that deal with divorce, separation or marriage annulment, as well as cases that deal with “the attribution, exercise, delegation, restriction,

or termination of parental responsibility". The latter cases specifically exclude issues such as adoption, parent-child relationship, maintenance, succession, criminal offences committed by children, emancipation and identity of the child.

65. The Regulation in terms of parental responsibility, deals with rights of custody and access; guardianship and curatorship; representation of the child and administration of the child's property; and foster care or residential care placements.

66. A specific objective of the Regulation is the recognition and enforcement of access orders/judgements between countries, which facilitate cases of dispute related to international child abduction. In this regard, the Regulation complements the Hague Convention on the Civil Aspects of International Child Abduction.

67. The regulation provides for a system whereby a certificate is issued by the judge who made the access order. Once this certificate is issued, the access order becomes automatically recognisable and enforceable in other EU Member States. Central Authorities are designated in every Member State in order to facilitate communication and co-operation between the authorities of the different States. In Malta, the Central Authority under the Brussels II *bis*, also performs the functions of Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction, since both the Convention and the Regulation deal with cases of international child abduction, while trying to work in harmony with the laws and procedures of different countries.

B. Special priority areas for policies related to children in Malta

68. Social Welfare and Education were two of the main policy priority areas related to children which were dealt with during the period under review.

Social welfare

69. Among the strategic objectives set out by the Ministry responsible for social policy, the following put special emphasis on the welfare of families and children:

- The continued development of personalised social services and the further enhancement of a generous safety net for all sectors of Maltese society, with particular emphasis on children, families, and those deemed to be most vulnerable to ensure a basic standard of living for all Maltese citizens
- Fighting against poverty and social exclusion and promoting social inclusion and equal opportunities

70. These strategic objectives have been and will continue to be addressed through the following initiatives:

- The recognition at law of the rights of the child and the State's commitment to provide quality services to children necessary to ensure total inclusion and a healthy development, the enactment of new specific legislation including foster care, adoption and childcare
- The ongoing implementation of the EU Social *Acquis* to ensure that Maltese citizens, including children, benefit from all the benefits and rights enjoyed by European citizens
- The restructuring of the regulatory and service delivery functions of personalised social services to better address emerging trends and social problems
- The enhancement of the current structure supporting equal opportunities legislation

- The further implementation of family-responsive policies to support men and women in balancing their family and work responsibilities
- The recognition of the right of victims of domestic violence for safety and enjoyment of the assets of the family, the enactment of legislation on Domestic Violence and support to shelters accommodating domestic violence victims
- The establishment of standards and coordination between entities involved in services with particular reference to the drugs and alcohol sector including the publication of specific policies for these sectors
- The continued upgrading of social legislation, including an act to establish the Department for Social Welfare Standards as a regulator of personalised social welfare services, the revision of the Social Security Act including amendments in line with government's decisions on the future of the new pension regime and the reform to the invalidity pension, and the revision of the rent laws.

Education

71. The Ministry for Education, Youth and Employment has set out its plan of review in the education sector with the aim of analysing, reflecting and making recommendations on important issues in the field: The Ministry has set out the following areas for review:

- Early Childhood Education and Care
- School Attendance
- Governance
- Autonomy
- Career Guidance
- MATSEC
- Inclusive and Special Education
- Higher Education
- Adult Basic Skills
- Lifelong learning.

72. In 1999, the Ministry for Education issued a National Policy on Child Protection – Procedures for Schools. This Policy also sets out procedures and guidelines that should be followed by all employees.

73. In the year 2000, the Safe Schools' Programme was established. It had to embrace three Services which were considered necessary for the pupils and students. The first service was the Child Safety Services, which dealt with Child Abuse. Child Safety Services started operation soon after the Ministerial Policy on Child Abuse ("Child Protection – Procedures for Schools") was established. This Policy was distributed to all teachers, and was to be followed by all State and non-State Schools. The services included programmes for teachers, parents and students of different year groups. Students who had been through the trauma of child abuse were given individual counselling as long as was necessary.

74. The second policy to be published was the Anti-Bullying Policy. The Anti-Bullying Policy Team prepared programmes of awareness, prevention and intervention for teachers, parents and children in Primary and Secondary Schools. The programmes were developed according to age groups. The Awareness Programme was also given to parents, as well as Local Councils, Parish Centres and individual groups, when requested. Student programmes included work with P.S.D teachers on assertiveness, skills for dealing with bullying, as well as tolerance and solidarity among students.

75. The third policy was entitled “Tackling Substance Abuse – Procedures for Schools”. This policy was planned by the Guidance and Counselling Services in collaboration with the Police Force. The Unit worked on raising awareness, prevention and intervention. Sessions were held in schools for teachers, students and parents. Students having a substance abuse problem were directed towards a programme to come clean of drugs.

76. These three sections of the Safe Schools’ Programme raised public awareness through television and radio programmes.

77. A National Youth Policy was published in 2003. This policy aimed at:

- Ensuring an adequate quality of life
- Ensuring social justice
- Promoting the authenticity of the identity and diversity of young people.

78. This policy was drawn up with the collaboration of all the relevant stakeholders including Government entities, local councils, NGOs and youth organizations. A number of consultation meetings were held and the policy was widely disseminated.

C. Implementation of the Convention

Role of the Commissioner for Children

79. Malta established the Commissioner for Children with statutory rights to protect children and their rights. Since 2003, the Commissioner for Children in Malta has worked continuously to improve children’s welfare and raise awareness on child-related issues.

80. Articles 3 and 4 of the Commissioner for Children Act lay down the basis for the Commissioner being an independent, non-partisan, politically neutral institution. Although the Commissioner is administratively under the jurisdiction of the Ministry responsible for Children, neither Parliament nor the Government have the power to instruct the Commissioner.

The Council for Children

81. The Council for Children’s role is to advise and assist the Commissioner in the performance of her functions and in the promotion of the welfare of children. The Council is also entrusted with monitoring compliance with the Convention on the Rights of the Child and with other international treaties, conventions or agreements relating to children, which Malta has ratified or acceded to. Three of the members of the Council are young persons.

Research and policy development

82. The Office of the Commissioner for Children has taken part and provided feedback on the drafting of the following documents/initiatives:

- Internet Use by Children
- Quality Children’s Programmes
- Unaccompanied Minors – National Conference on Immigration
- The National Action Plan on Social Inclusion
- Early Childhood Day Care Facilities
- Broadcasting Guidelines for the Portrayal of Vulnerable Persons.

83. **Working Group on Internet Use by Children and Young People:** The Commissioner for Children's Office participated in a working group on Internet Use by Children and Young People, which was set up by the National Statistics Office. Other representatives of the working group included the Ministry for Education, Youth and Employment; the Ministry of Information Technology and Investment; the Malta Communications Authority; and the Police.

84. A research project was developed and a questionnaire was sent to 5,000 children from 59 schools in Malta and Gozo. The results of this research are about to be published.

85. **Quality Children's Programmes:** The Commissioner for Children and the Malta Broadcasting Authority set up a working group to discuss and submit proposals for the section on the Protection of Minors within the Broadcasting Act. It was agreed that the working group will focus on two main issues, namely amending the current Act to afford better protection to minors from various forms of exploitation and abuse, and drafting a set of guidelines for good quality children's programmes.

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

87. The working group drafted guidelines and a strategy, which will be discussed extensively with all stakeholders.

88. **Unaccompanied Minors:** In February 2005, the Ministry for Justice and Home Affairs and the Ministry for the Family and Social Solidarity will be organising a National Conference on Irregular Immigration. During this conference the Commissioner for Children will be facilitating a workshop and drawing up a report on Accompanied and Unaccompanied Immigrant Children.

Projects

89. **Logo for the Commissioner for Children:** In September 2004, the Commissioner for Children launched a public competition for children and young people under the age of 18 where children were invited to come up with a design for the official logo of the Commissioner for Children. Children's participation was ensured at every stage of the competition – in the design, choice and organization of the whole project.

90. The competition helped to raise awareness on children's rights, while art teachers in schools helped to inform and stimulate students in their designs. The participants had to understand the role of the Commissioner and have knowledge of children's rights. Around 650 participants took part in this competition and twenty designs were short listed by a Board set up ad hoc by the Commissioner.

91. All children and young people who participated were invited by the Commissioner to come and vote for their favourite design. The whole voting process was organized and facilitated by a group of young people together with two coordinators from the Office. A 14 year old girl designed the winning logo.

D. Systematic gathering of data on children

92. The National Statistics Office (NSO) is Malta's official national statistical agency. It was established by virtue of the Malta Statistics Authority Act XXIV of 2000 and replaced the Central Office of Statistics as from the 1st March 2001.

93. The NSO collects a wide range of data and analysis relevant to children, including:

- Births, deaths and marriages

- Social security
- Poverty and social exclusion (with an emphasis on vulnerable groups such as refugees)
- Disability
- Health indicators
- Education
- All other relevant population data, with analysis by age and gender.

94. The NSO also has an important coordinating function with respect to the statistical activities of other official bodies in Malta.

95. In 2002, the National Statistics Office presented an official publication entitled 'Children', which included official statistics with regard to children. This comprehensive study covered various areas including Demographics; Children in Education; Children in Society; Children and Health; Children in Households; Children as Parents; Children at risk; and Children and Crime. The National Statistics Office is set to issue similar publications in the coming years.

96. A national population census will be held in 2005. This will provide detailed and updated information related to nationality and place of birth, standard of living, disability, literacy, employment status, type of residence, sports and IT.

97. Each year, on the occasion of the Universal Children's Day, the NSO issues a news release highlighting different themes related to children. On 20 November 2003, this news release made special emphasis on the country's declining birth rate and the significant decrease in infant mortality. The comments that complemented the statistics pointed out that: "Children are the hope of humankind. They are the continuity of human species. They are our most precious resource and our future. Children are extremely vulnerable. Children are born as totally dependent beings, needing special protection and help of society in order to develop fully. They particularly need to be protected from degrading living conditions, from violence, from prostitution, from trafficking, from involvement in armed conflicts, from child labour and other abuses."⁷

98. In 2004 the annual news release on the occasion of the Universal Children's Day focused among other things, on parents' occupation, investment in education and participation in extra-curricular activities.⁸

99. In addition to the NSO, government departments and other entities gather relevant statistical data on children. This data is often published in their respective annual and other reports.

E. Social expenditure for children

100. The period under review was characterised by a continuous increase of social expenditure. Between 2000 and 2002, social security expenditure rose from 17.9 per cent of the GDP in 2000 to 18.5 per cent in 2002, while in 2001 and 2002, social protection expenditure on family and children equalled to 6.3 per cent and 6.2 per cent of the total social expenditure.⁹

⁷ National Statistics Office – News Release No. 178/2003.

⁸ National Statistics Office – News Release No. 217/2004.

⁹ MFSS, Malta National Action Plan on Poverty and Social Exclusion 2004–6.

101. The table below gives the actual expenditure/budget allocation for select services/departments for the years 1999–2004.

Figure 4

Expenditure for select services/departments (Lm 000,000)

<i>Department/service</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Social security benefits	170.23	175.88	194.85	190.75	<i>194.85</i>	<i>206.5</i>
Family and social welfare	0.57	0.54	0.58	0.58	<i>0.67</i>	<i>0.68</i>
Education	38.58	40.04	46.69	47.5	<i>51.02</i>	<i>49.72</i>
FSWS	0.8	1.25	1.71	1.82	<i>1.98</i>	<i>1.98</i>
Total (Lm 000,000)	210.17	217.72	243.84	240.66	248.52	258.20

Source: Financial Estimates 2001–2004.

Note: Figures in Italics denote Budgetary Estimates.

F. Measures taken or foreseen to disseminate the principles and provisions of the Convention

102. The Convention on the Rights of the Child has been disseminated by various entities and in different ways.

Translation of the Convention

103. In 1998 the Department of Family Welfare presented an unofficial translation of the Convention on the Rights of the Child to Maltese. This translation was particularly useful to social workers, doctors, lawyers and teachers working directly with children, and particularly to children being themselves the subject of this Convention.

The role of the Commissioner for Children

104. In her speeches and public appearances the Commissioner for Children has made constant references to the Convention on the Rights of the Child, and this Convention has always been the basis of any discussion on children's rights and children's issues. In 2004, after a year in operation, the Commissioner for Children embarked on an awareness campaign on the role of her office, and has distributed copies of the Convention and the child-friendly version issued by UNICEF.

105. More specifically the dissemination of the Convention took place during:

- Public Education and Awareness on the local media, seminars and public talks
- Children's Rights Education for professionals, NGOs, school administration and others
- Meetings with children and young people in schools
- Other consultation meetings with children and young people
- Commissioner for Children's Logo Competition
- Children's Rights Day 2004

World Children's Day

106. On 20 November 2004 the Commissioner for Children sent two messages to children in primary and secondary schools and these were read out by the students. In some classes children's rights were also discussed. The Office organized two activities for

children and young people on World Children's Day. "Children have rights too!" was organized together with *Agenzija Appoġġ* and consisted of a programme of activities for school children, including a two hour concert by children and several sports activities.

107. The other activity was organized together with '*Poeżija Plus*', an NGO that specializes on the dissemination of literature. This activity consisted of several creative art workshops where children and young people were challenged to seek the relevance of children's rights to their everyday life. The workshops included story telling, crafts and poetry. At the end of the activity, the Commissioner and an 11-year old Council member read out special messages for the day.

The Maltese Association of Social Workers

108. The Maltese Association of Social Workers produced a power-point presentation in Maltese explaining children's rights as found in the Convention.¹⁰ In 2001, the Association also produced a child friendly version on the rights of children in the form of bookmarks and posters. These were distributed among all school children.

Arts and Living Project

109. In 2004, St Patrick's, a local Salesian School and Home for Boys that caters for about 150 boys, promoted the Rights of the Child from the UN Convention by producing a bookmark as part of an *Arts and Living Project*. Articles 31, paragraph 2 and 39 of the Convention were printed on bookmarks and widely distributed.

G. Training of professionals

110. Between 2000 and 2004, the national social work agency, *Agenzija Appoġġ* embarked on a number of training projects related to children. These included:

- Training in Family Therapy
- Dealing with Aggressive Behaviour
- Communicating With Children
- Clinical Supervision
- Training in Disability Issues
- Training on Mental Health in the Community.

111. In 2001, *Agenzija Appoġġ* obtained nine bursaries under the Leonardo da Vinci Mobility Project to carry out staff placements within the Children and Family Service of Richmond Borough in London, UK.

112. Other training initiatives included:

Working with children and families

113. In collaboration with the Malta University Services, the training programme *Working with Children and Families* took place between 2002 and 2004. This intensive training programme was the result of direct synergy between Open University, the Malta University Services and *Agenzija Appoġġ* and its aim was to provide postgraduate training to professionals working directly with children and families.

¹⁰ <http://www.masw.info/news0704.html>.

International training

114. In 2002, two staff members from *Aġenzija Appoġġ* were given the opportunity to participate in international conferences concerning matters that were deemed to be significant to the professional development of staff. Two staff members participated in the International Fostering Conference in Finland and Promoting Well being and Monitoring Outcomes for Vulnerable Children in the United Kingdom. In 2003 two other staff members participated in the Conference on Community Development and the Homestart Training in the United Kingdom.

Training in domestic violence

115. Between 2002 and 2003 *Aġenzija Appoġġ* benefited from Commonwealth Consultancy Services to organize training sessions on domestic violence. A number of local professionals working in the sphere of domestic violence were invited for the first programme, which took place in November 2002. A second programme was held in April 2003, with the target audience including the judiciary and police officials.

116. Besides engendering professional expertise, this one-week intensive training programme served to foster closer collaboration between local professionals.

Conducting assessments of children and families

117. In July 2002, as part of its continuous commitment to develop assessment expertise in the sphere of children's services, *Aġenzija Appoġġ* collaborated with Open University experts, Prof. Jane Aldgate and Ms. Wendy Rose, to deliver three training sessions on the Assessment Framework of Children in Need and their Families.

Training in child protection

118. This training programme was developed on the basis of four modules and was delivered to the staff of various units within the national social work service delivery agency. These units included Child Protection Services, Looked After Children, the Fostering Unit and *Programm Ulied Darna*. Other beneficiaries of this training programme included Child Safety Services, the Police Officials, Health Professionals and the Social Work Staff working within Church Schools.

Family mediation training

119. *Aġenzija Appoġġ* has also invested in mediation skills for its staff, as six employees participated in a course organized by the Malta Dispute Management Ltd. Though the agency ceased to operate its Separation Mediation Services, it felt that such training was important to develop further the social welfare professional skills of its staff.

Carers training programme

120. In mid-2002 *Aġenzija Appoġġ* started to operate the High Support Service. Within two years, the staff complement of High Support Carers had increased to twenty-four. Considering that the skills of these workers varied, the Agency organized a carers' training programme based on thirteen sessions. These sessions addressed the basic skills required by care workers and provided know how of the agency's professional practices and *modus operandi*.

Seminar on the Emerging Needs of Looked After Children

121. A half-day seminar on the Emerging Needs of Looked After Children brought together a number of local professionals and carers to discuss the needs of children in residential and foster care. Apart from forming an integral part of professional

development, the seminar was a brilliant setting for exchange of ideas and views with respect to the modus operandi of the diverse local services.

III. Definition of the child

Minimum legal age provisions of national legislation

122. It is the general understanding and practice in the development of legislation, policy and services, to define a child as a person under the age of 18 years. Different ages are sometimes established depending on the applicability of the legislation, the policy being implemented and the services being delivered. New legal provisions in relation to age limits progressed in line with the Convention. The definition of the child is described in more detail in the First Report and the information provided below is an update and gives further clarification.

123. The Civil Code¹¹ states that a minor is any person of either sex who has not yet attained the age of eighteen years,¹² while majority age is fixed upon the completion of the eighteenth year of age.¹³ This is the same age when parental authority terminates¹⁴ *ipso jure* unless certain established conditions occur before a minor reaches age of majority.¹⁵

124. Article 2 of the Commissioner for Children Act¹⁶ defines a child as ‘any person who has not attained majority’.¹⁷ While the upper age limit is clearly defined, no mention is made of the starting point of childhood. Nevertheless, the functions of the Commissioner for Children include the promotion of the standards for special care and protection, including adequate legal protection for children, both before and after birth.¹⁸

125. In its concluding observations on Malta’s First Report, the UN Committee expressed concern about the minimum legal age for criminal responsibility. The exemption from criminal responsibility for any act or omission remains established at nine years of age.¹⁹ Minors under 14 are exempt from criminal responsibility for any act or omission done without mischievous intent.²⁰ Nevertheless, the court may require the parent or person responsible for the upbringing of the minor to appear before it and if the offence alleged to have been committed by the minor is proved, the court may bind over the parent or person responsible for the minor to watch over the conduct of the minor under a penalty for non-compliance.²¹

126. In 2002, legal provisions on genocide, crimes against humanity and war crimes were introduced in the Criminal Code.²² Article 54D(e) specifies that conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities shall be considered a war crime. These provisions reflect those in the Geneva Convention of 12 August 1949.

¹¹ Chapter 16 of the Laws of Malta.

¹² Civil Code, art. 157.

¹³ Civil Code, art. 188 (1).

¹⁴ Civil Code, art. 150 (b).

¹⁵ Civil Code, art. 150.

¹⁶ Chapter 462 of the Laws of Malta.

¹⁷ Commissioner for Children Act, art. 2.

¹⁸ Commissioner for Children Act, art. 9 (h).

¹⁹ Criminal Code, art. 35 (1).

²⁰ Criminal Code, art. 35 (2).

²¹ Criminal Code, art. 35 (3).

²² Chapter 9 of the Laws of Malta.

127. In 2002, provisions relating to the unlawfulness of taking, permitting to take, distributing, showing or possessing indecent photographs, film, video recording, or electronic image of a minor²³ were also introduced in the Criminal Code. Harsher penalties were introduced for instances where such offences are committed by an ascendant by consanguinity or affinity, or by an adoptive father or mother, or by a tutor or other person charged with the care, education, instruction, control or custody of the minor shown in the photograph, film, video recording or electronic image or in the case the minor has not yet attained the age of nine years.²⁴

128. In the Criminal Code one may additionally find provisions on the infanticide of a child under the age of twelve months, the abandonment or exposure of children under seven years and the ill treatment or neglect of children under twelve years of age.²⁵

129. The Children and Young Persons (Care Orders) Act²⁶ specifies that a care order is automatically revoked when the child reaches the age of 18. However, a care order issued in terms of this Act can only be issued in respect of children under the age of 16.

130. In accordance with the provisions of the Civil Code, adoption decrees shall only be made by the court in respect of children who have not attained the age of 18, unless the prospective adoptive parent is the birth mother or the birth father.²⁷ Moreover, if the child to be adopted has attained the age of 14, the consent of such child must always be attained prior to the issuing of an adoption decree.²⁸

131. The Social Security Act²⁹ defines a child as a person under the age of sixteen years.³⁰ All children under 16 years are eligible to receive Children's Allowance. Such allowance is payable to the head of household after the income means test is satisfied and it is proved that the person in receipt of such allowance has the care and custody of the child.³¹ Children who are over 16 years but under 21 years and are registering for work because they are unemployed and who are not in receipt of any other benefit payable by virtue of the Social Security Act are also eligible to receive Children's Allowance.³²

132. In 2002 the Child in Care Benefit was introduced.³³ This benefit is the right of every child who is certified as living in residential or foster care. This allowance is not means tested and payable at a flat rate. If the child is not gainfully occupied, this allowance continues to be paid when the child is over 16 years of age until such child reaches the age of 18 years.³⁴

133. The Orphan Allowance³⁵ is paid to persons who have the care of a child of another person, who is under the age of 16, because such child's parents are both dead. In addition to the Orphan Allowance, a person may also continue to be entitled to receive the Children's Allowance. Furthermore, an Orphan's Supplementary Allowance³⁶ is also paid

²³ Criminal Code, art. 208 A (1).

²⁴ Criminal Code, art. 208 A (3).

²⁵ Criminal Code, arts. 245 to 248.

²⁶ Chapter 285 of the Laws of Malta.

²⁷ Civil Code, art. 115 (2).

²⁸ Civil Code, art. 115 (3).

²⁹ Chapter 318 of the Laws of Malta.

³⁰ Social Security Act, art. 2.

³¹ Social Security Act, art. 76.

³² Social Security Act, Schedule 14, Part VI.

³³ Social Security Act, art. 76A.

³⁴ Social Security Act, Schedule 14, Part VIII.

³⁵ Social Security Act, art. 69 (1).

³⁶ Social Security Act, art. 69 (2).

to those taking care of a child who is an orphan, who is between the age of 16 and 21 and who is earning less than the National Minimum Wage established for the year in question.

134. The Disabled Child Allowance³⁷ is payable to persons who have the effective custody of a child under the age of 16 years and who suffer from specified disabilities. This allowance is subject to a means test on the income of the parent/s. This allowance remains payable after the 16th birthday unless the child with a disability qualifies for the Disability Pension (also issued by virtue of this Act) or unless such child is gainfully occupied.

135. In accordance with the Refugees Act³⁸ of 2001, asylum seekers who claim to be below the age of 18 years and are not travelling in the company of either of their parents or a guardian, warrant special protection. In the absence of a parent or legal guardian, the State assumes legal responsibility for their care and protection through the issue of a care order in accordance with the Children and Young Persons (Care Orders) Act.³⁹

136. The Juvenile Court Act⁴⁰ defines a child or young person as a person under the age of sixteen years. The purpose of the Juvenile Court is to conduct proceedings which relate to children or young persons.⁴¹ Where in the course of such proceedings, the child or young person attains the age of sixteen years; the court may decide to either proceed with the hearing and determination of the case or to refer it to the competent Court of Magistrates.⁴²

137. Children do not have *locus standi* in any court. Although the person to judge should make all decisions in view of the child's best interests, minors do not have the right to appear as litigants in court. Nevertheless, in those instances where parental authority ceases, the minors are legally considered as adults and they would have the right to appear as litigants before a court. The law also considers a minor to be an adult for purposes of trade if such minor has been emancipated to be able to perform acts of trade.⁴³

138. The Broadcasting Code for the Protection of Minors,⁴⁴ issued by virtue of the Broadcasting Act,⁴⁵ states that a minor is a person under the age of sixteen.⁴⁶ This Code regulates broadcasts, advertising and teleshopping directed at minors.

139. The Marriage Act⁴⁷ specifies that a marriage contract between two persons either one of whom is under the age of 16 years is void.⁴⁸ Furthermore, a person under parental authority or tutorship cannot validly contract marriage except with the consent of the persons exercising such parental authority or tutorship.⁴⁹ However, in the latter instance and upon good cause being shown, the court of voluntary jurisdiction may dispense with the consent of the person exercising parental authority or tutorship and authorise the celebration of the marriage.⁵⁰

140. The Young Persons (Employment) Regulations⁵¹ issued by virtue of the Employment and Industrial Relations Act⁵² establish that the minimum employment age

³⁷ Social Security Act, art. 77.

³⁸ Chapter 420 of the Laws of Malta.

³⁹ Refugees Act, art. 12.

⁴⁰ Chapter 287 of the Laws of Malta.

⁴¹ Juvenile Court Act, art. 3 (1).

⁴² Juvenile Court Act, art. 6 (1).

⁴³ Commercial Code, art. 9; Civil Code, art. 156.

⁴⁴ Legal Notice 160 of 2000.

⁴⁵ Chapter 350 of the Laws of Malta.

⁴⁶ Broadcasting Code for the Protection of Minors Regulations, Regulation 31.

⁴⁷ Chapter 255 of the Laws of Malta.

⁴⁸ Marriage Act, art. 3 (1).

⁴⁹ Marriage Act, art. 3 (2).

⁵⁰ Marriage Act, art. 3 (3).

⁵¹ Legal Notice 440 of 2003.

shall not be lower than the minimum age at which compulsory schooling ends. These regulations are applicable to persons under eighteen years of age who are in employment and they regulate work carried out by children and adolescents. Their scope is to ensure that young people have working conditions which suit their age and are protected against economic exploitation and against any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardise their education.

141. The Education Act⁵³ specifies that all children between the age of five and fifteen years, both inclusive, are to have compulsory schooling.⁵⁴ No one can employ a child of compulsory school age without special permission. This permission is only given following investigations which justify the awarding of such special permission and as long as the employment is not harmful to the child's health or development. This special permission may also require the child to attend alternative educational or training programmes.

142. Maltese legislation prohibits the sale of alcohol to persons under the age of sixteen years. Legislative amendments will shortly be presented to Parliament to prohibit the serving to, and the consumption or possession of, alcohol by children under the age of sixteen.

143. By virtue of the Tobacco (Smoking Control) Act, it is unlawful for any person to sell, supply or distribute by way of compensation or otherwise, any cigarettes, cigars, tobacco, tobacco products or smoking requisites to any person who is under the age of eighteen years or in any manner induce such person to smoke.⁵⁵ It is also unlawful to smoke any cigarette, tobacco or tobacco product in any classroom, corridor, yard of a school, kindergarten, nursery or similar premises used by children under eighteen years of age.⁵⁶

144. The Domestic Violence Act⁵⁷ does not specifically define a child but establishes that domestic violence may take place between parents and their children and also includes children conceived but yet unborn of any of the specified persons, amongst others.

145. Since Malta ratified the Convention on the Rights of the Child, there is general consensus about the definition of age of the child and barely any contestation. All new legislation, policies and services consider and treat all persons under 18 as children. Obviously, the different age, maturity and vulnerability of children are given high regard in safeguarding their best interests.

IV. General principles

A. Non-discrimination

146. In Malta, people are protected against any discrimination based on sex, religion, disability, age, sexual orientation and race by means of an act of law, the Equality for Men and Women Act, 2004 (Chapter 456 of the Laws of Malta) and by Legal Notice 461 of 2004 Equal Treatment in Employment Regulations.

147. Sexual discrimination in employment is illegal in Malta. Reference is made to the Equality for Men and Women Act, article 4 which states that: "It shall be unlawful for employers to discriminate, directly or indirectly, against a person in the arrangements made

⁵² Chapter 452 of the Laws of Malta.

⁵³ Chapter 327 of the Laws of Malta.

⁵⁴ Education Act, art. 2.

⁵⁵ Tobacco (Smoking Control) Act, art. 13 (1).

⁵⁶ Tobacco (Smoking Control) Act, art. 14 (1).

⁵⁷ Chapter 481 of the Laws of Malta.

to determine or in determining who should be offered employment or in the terms and conditions on which the employment is offered or in the determination of who should be dismissed from employment.” In this article “discrimination” is described as “discrimination based on sex or because of family responsibilities ...”.

148. Sexual discrimination in education is also illegal, as indicated by article 8 of the said Act. This article states that, “It shall be unlawful for any educational establishment or for any other entity providing vocational training or guidance to discriminate against any person” in accessing any course or vocational training or guidance, awarding of educational support for students or trainees, in the selection and implementation of curricula and in assessing skills or knowledge of students or trainees.

149. Any other discriminatory treatment on the grounds of religion, disability, age, sexual orientation and race in employment, vocational training and membership in trade unions is illegal in Malta. In this regard the Equal Treatment in Employment Regulations are applicable to all persons in relation to:

- Conditions for access to employment, including the advertising of opportunities for employment, selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotions
- Access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience
- Employment and conditions of employment, including remuneration and dismissals
- Membership of, and involvement in, any organization of employees and employers, or any organization whose members carry on a particular profession, including the benefits provided for by such organizations.”

150. Regarding the concept of discriminatory treatment other than sexual discrimination, these Regulations state that: “It shall be unlawful for a person to subject another person to discriminatory treatment, whether directly or indirectly, on the grounds of a particular religion or religious belief, disability, age, sexual orientation, or racial or ethnic origin” in any situation referred to in the above regulation 1(4).”

151. Sexual harassment is unlawful – Article 9 of the Equality for Men and Women Act, makes it unlawful for any person to sexually harass other persons. This prohibition deals mainly with cases when a person:

- Subjects other persons to an act of physical intimacy or
- Requests sexual favours from other persons or
- Subjects other persons to any act or conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of any written words, pictures or other material, where the act, words or conduct is unwelcome to the persons to whom they are directed and could reasonably be regarded as offensive, humiliating or intimidating to the persons to whom they are directed.

152. The Act describes extensively what constitutes sexual harassment and also puts responsibility on persons who are responsible for work places and educational establishments not to permit other persons to suffer from sexual harassment at the work place.

153. With reference to non-discrimination on the basis of “birth”, there have been radical changes in the Civil Code by virtue of Act XVIII of 2004 whereby any discrimination on several aspects between children born in wedlock and out of wedlock has been eliminated. Thus, parents of children conceived and born out of wedlock shall now have, in respect to

such children and their descendants, the same duty to maintain and educate them as they have with regard to children born or conceived in wedlock. Where parents of children conceived and born out of wedlock subsequently marry, such children shall now be deemed to have always been conceived or born in wedlock. Such presumption shall also operate in favour of the descendants of such children. Moreover children conceived and born out of wedlock are now treated equally with those conceived and born in wedlock in other areas, especially in the field of inheritance.

B. Best interests of the child

154. Following the comments made on Malta's first report, it is worth noting that in December 2004 by means of the Amendments to the Civil Code, all references to "illegitimate children" have been substituted with the words "children conceived and born out of wedlock".

155. It is interesting to note that the Commissioner for Children Act empowers the Commissioner to promote and advocate the rights and interests of children, in terms of the principle that the best interests of children are paramount. Thus, in order to promote the welfare of children, the Commissioner shall among other things provide public education and information designed to promote an understanding of the rights of the child and initiate measures for asserting the rights and promoting the interests of children.

C. The right to life, survival and development

156. Article 32 of the Constitution of Malta ensures that all persons in Malta are entitled to fundamental rights and freedoms, including the right to life whatever their race, place of origin, political opinion, colour, creed or sex, subject to respect for the rights and freedoms of others and for the public interest.

D. Respect for the views of the child

157. Throughout the past years, it was felt that more legal protection should be given to the views of children in judicial proceedings. In view of this, in 2003, a set of regulations was issued to establish the office of mediators and children's advocates.

158. The Civil Court (Family Section), The Civil Court (General Jurisdiction Sections) and The Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) Regulations 2003 state that, in cases of personal separation, the Court may, either of its own motion or upon a request by the mediator or either of the spouses, appoint a children's advocate to represent the best interests of the minor children of the parties.

159. Furthermore, mediators have been empowered to hear the minor children of the spouses and the children's advocates so as to ensure that the children are heard, their views known and their best interests taken care of.

160. The importance of the views of the child can be seen in other areas of legislation, such as that of adoption and international child abduction. In the area of adoption, Maltese law provides that children over the age of fourteen must give their consent for an adoption to take place in their respect. This provision seeks to ensure that children of a certain age and maturity are given a choice with regard to important decisions in their life. This spirit is also reflected in the 1980 Hague Convention on the Civil Aspects of Child Abduction, acceded to by the Child Abduction and Custody Act. The Convention clearly states that the court in a requested country may refuse to order the return of a child if that child objects to being returned and he or she is of an age and degree of maturity whereby it is deemed appropriate to respect his or her views.

V. Civil rights and freedoms

A. Name, nationality and preservation of identity

161. In addition to what has been stated in the first report to the Convention on the Rights of the Child, the following must be stated with reference to paragraph 73: “However where notice of the birth is given by any person other than the father of the child or where such notice is given by the father or any other person by means of a letter the said officer shall within the next three following days, require the father of the child to attend at his office to make the declaration with respect to the same particulars.”

B. Protection of privacy

162. It is to be noted that the Data Protection Act (Act XXVII of 2001) makes provision for the protection of individuals against violation of their privacy by the processing of personal data and for matters connected therewith and ancillary thereto.

C. Access to appropriate information

163. The Broadcasting Ordinance has been repealed. Broadcasting in Malta is regulated by the Broadcasting Act (Chapter 350 of the Laws of Malta) which stipulates that “the public broadcasting services will be expected to provide high quality programming across the full range of public tastes and interests; the public services have a particular duty to provide programming of an educational and cultural nature. They must adopt internationally practised contemporary methods of production of its programmes and news bulletins”.

Public Broadcasting Services (PBS) Guidelines

164. The Broadcasting Code for the Protection of Minors was approved by the Broadcasting Authority and endorsed by the Minister responsible for broadcasting in 2000. The Code was published as a Legal Notice in the same year.

165. Since then the Authority has felt the need to revise this Code in order to provide further extensive protection to children. Following a paper drawn up by the Chief Executive, the Authority decided to get in touch with the newly appointed Commissioner for Children so that the Commissioner would assist in this matter. As a result of the ensuing discussion, a sub-committee was set up between the Broadcasting Authority and the Children’s Council to discuss a strategy aimed at updating the Code by focusing primarily on providing guidelines for good quality programmes for children.

166. In June 2004, the Public Broadcasting Services Editorial Board proposed a provisional document on vulnerable people, whereby it was announced that the role of vulnerable people on broadcast programmes is being studied by the said board. The provisional document proposed that producers are obliged to seek parents’ consent prior to the participation of children under the age of 16 years in any broadcast. In addition, children can object to participate even if their own parents would be backing them.

D. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

167. Further to the statistical data presented in the first report, it is important to note that the Commissioner for Children Act empowers the Commissioner, among other things, to

promote the protection of children from physical or mental harm and neglect, including sexual abuse or exploitation. The Commissioner is also empowered to collect information and investigate any alleged breaches of the rights of children including the death of any child if the Commissioner considers such an investigation to be necessary.

168. The Child and Young Persons (Care Orders) Act provides that if a child below the age of 16 is not receiving the care, protection and guidance that a good parent may reasonably be expected to give, and such lack of care, protection or guidance is likely to cause the child or young person unnecessary suffering or seriously affect his health or proper development, a Care Order may be issued and the child or young person placed in the care of the Minister responsible for Social Policy.

VI. Family environment and alternative care

A. Parental guidance

169. The data given below is obtained from the NSO Demographic Review, 2004 – NSO.

Family structures

170. Malta's total population at end 2004 was estimated at 402,668 persons, including both Maltese and foreign residents. Population change is the net result of two demographic aspects: the difference between births and deaths and the migration balance.

Composition

171. All Housing and Population censuses that were undertaken in Malta since 1842 revealed a slightly higher proportion of females as compared to males. The substantial amount of emigration over the years, with its predominance of male emigrants resulted in a reduction of the sex ratio to an average of 950 males per 1000 females; such ratio being prevalent during the last decade.

172. Population ageing is a current trend of the Maltese population. Ageing has a considerable impact on inter-generational solidarity, housing, social security systems, care-giving and health costs.

173. According to estimates from the Labour Force Survey for the last quarter of 2004, the average household size is of 3 persons.

174. The number of newborns to Maltese parents was lower than that for the previous year, by 216 babies. In the year 2004, the count stood at 3,686 as compared to 3,902 births recorded in 2003. The crude birth rate for 2004 stood at 9.46. This decrease in the births lowered the total fertility rate to 1.37 from 1.48, which was recorded during 2003.

175. The largest first maternity figure of 854 resulted among mothers aged between 25 to 29 years. Another 508 and 331 maternities occurred among mothers aged 20 to 24 and 30 to 34 years respectively. 55 mothers, on the other hand, gave birth after having had their fourth baby.

176. The number of children born outside wedlock in Malta is on the increase. In a country where marriage is still high on young persons' agenda, this fact is rather worrying. In 1990, there were 95 live births out of wedlock compared to 744 live births in 2004, an increase of 19.14 per cent of the total births.

Mortality and health

177. The continued increase in the population throughout the past half-century was mainly due to a decrease in mortality at almost all ages, especially within the elderly group.

The main factor contributing to this increase was due to the lowering death rates among the old-age population, which set the total population through a constant ageing process.

178. The number of Maltese deaths for 2004 amounted to 2,903 with a Crude death rate of 7.45, which decreased from the previous year. Infant deaths remained the same as the previous year with 23 deaths, which was distributed by sex as follows: 14 males and 9 females.

179. In 2004 the largest number of deaths occurred among the 80–84 year old age group with 547 deaths, that is, nearly 19 per cent of all deaths. There was a global decrease of 0.3 per cent in the death rate when compared with that during the previous year. This resulted in a minimal increase in life expectancy when compared to the previous year for both males and females.

Marriages

180. An average of 2,366 marriages was registered, each year, between 1997 and 2004, whereas the average number of civil marriages between 1997 and 2004 was 544.

181. The highest incidence of marriages during 2004 involved brides within the 25 to 29 year-old category. The same behaviour was observed for grooms.

182. In 2004, civil marriages amounted to 31.5 per cent of the total marriages occurring in Malta and Gozo – a decrease of 2.7 per cent over the previous year, the majority of which occurred among 25 to 29 year old couples. Most of the civil marriages occurred among British spouses. In fact, 292 or 38.6 of all civil marriages involved brides and grooms with British passports. 105 civil marriages or 13.9 per cent occurred between Maltese spouses.

B. Parental responsibilities

183. Where financial and social support required by families with children is concerned, both the State and NGOs provide a wide range of services, from medical to educational and recreational. Parents can benefit from social security allowances and from welfare services which are directed either at them personally, especially in time of need or difficulties like sickness or unemployment, or in favour of their children where the latter have to cope with certain difficulties like disabilities or slow learning at school.

Financial and social support provided by the State

184. Children under 16 years of age receive a Children's Allowance, provided a means test has been satisfied. Parents of disabled children are also paid a disabled child allowance, which is means-tested, but the wage of one parent (the lesser) is considered if both are in employment. Children over 16 years of age who had never been employed, thus remaining dependent on a household budget and registering for work or are following university education but are not in receipt of a stipend, receive a special Child Allowance. As from January 2001, a child-in-care benefit, which is not means-tested and payable at a flat rate, has been paid to foster carers in respect of the children they foster until the children are 18. This benefit is only granted if the children are not gainfully employed.

185. Expectant working mothers are still entitled to 13 weeks maternity leave with pay. As from November 1991 they could opt to have this leave after pregnancy or before, provided that five weeks are always availed of after child birth. As from March 2001, government employees are also entitled to one week unpaid leave besides these 13 weeks maternity leave with pay. They are also entitled to one year's unpaid leave after the birth of a child. As of April 1996, either parent who is a government employee is entitled to parental leave for a three-year period that may be shared by the parents (but not concurrently) and on a one-time basis only. This arrangement has in fact been included in

some collective agreements for employees in the private sector. It is up to the couple themselves to decide who is to take the extra-unpaid leave and for how long, according to their particular needs. The arrangement may be seen as giving parents the opportunity of helping each other in caring for their children. It also helps the father to be physically present in the home and the parents to arrange that presence as they deem fit. Those working mothers who do not avail themselves of their maternity leave are entitled to maternity benefit as unemployed mothers in part or in full (13 weeks) depending on the number of weeks of maternity leave not availed of.

186. As from 2003 all part-time government employees, including mothers, are entitled to vacation and sick leave in full as full time employees provided that they are employed for at least 20 hours per week. There is also the possibility of negotiating provisions for the introduction of flexi-time. Mothers who are full time government employees as from 1999 are entitled to work reduced hours till the child is 8 years old. They can either work a 20 or 30-hour week whilst still being entitled to full vacation and sick leave as full time employees.

187. During 2004, the Department of Social Security had to review all cases of Children's Allowance that were in payment up to the end of June 2004, with a view to establish the new Children's Allowance Benefit rates for the year starting July 2004. The number of households in receipt of children's allowance was 33,466 as at the end of December 2004, as compared to 36,481 households at end 2003. The following tables show the number of households in receipt of Children's Allowance and Disabled Child Allowance at the end of the year and the number of accepted claims in respect of Maternity Benefit in 2004 compared to 2003.

Figure 5

Number of families receiving children's allowance

<i>Children's allowance</i>	<i>Number of families</i>		
	<i>2003</i>	<i>2004</i>	<i>+ or -</i>
One eligible child	18 169	18 247	78
Two eligible children	13 746	14 594	848
Three eligible children	3 679	3 974	295
Four or more eligible children	887	994	107
Total	36 481	37 809	1 328

Source: Department of Social Security.

Figure 6

Number of families receiving disabled child allowance and maternity benefit

<i>Type of benefit</i>	<i>Number of families</i>		
	<i>2003</i>	<i>2004</i>	<i>+ or -</i>
Disabled child allowance	660	673	17
Maternity benefit	2 839	2 774	(65)

Source: Department of Social Security.

Provision of social welfare services

188. The Department of Family Welfare, currently performing a social work service delivery function, will shortly be assuming the role of a regulatory body for the Social Welfare sector. Its operations will focus on registering Social Welfare services, monitoring and assessing set standards, and ensuring compliance with regulations adopted by the

Government. It is anticipated that through regulation the quality of services will be improved and that children's rights will be better safeguarded.

189. One of the priority areas identified by the Department, and which is currently being addressed, is the child day care sector. In view of its new function, the Department adopted a new mission statement – *Improving social welfare standards through dialogue and regulation*. At the same time the department will also continue to uphold its legal responsibilities with regard to cases of adoption, care orders, as well as abduction and custody of children.

190. The Foundation for Social Welfare Services is responsible for three service-delivery agencies: *sedqa, Appogg and Sapport*. It was established on 24 March 1998, and the terms of reference of the Foundation as established in its Statute, include:

- The provision of social welfare services, in particular in relation to alcohol and substance abuse and in relation to other social welfare problems prevalent in the country, especially those related to family welfare
- The furthering and promotion of social and related studies and scholarships, through research, publications and education
- The collaboration with similar entities on a regional and international basis.

191. *Agenzija Appogg* provides a wide range of services aimed at children in need. These include:

- *Child Protection Service*: Established in 1994, this service provides a procedural framework for the protection of children who are suffering, or are in danger of suffering from child abuse and/or neglect. Case turnover at end December 2004 was 1462.
- *Looked After Children Service*: This service, established in 2001, was set up to ensure that children living away from their family, in residential or foster care, are regularly followed with adequate and regular care plans. The service ultimately aims at returning the children to their own family whenever possible. Case turnover at end 2004 stood at 425.
- *Fostering Service*: This service provides social work support to foster carers and works with them to ensure the best possible service to children placed in their care. It provides an alternative family setting for those children requiring out of home care. The Fostering Service was set up at the beginning of 2000. The number of non-related foster carers at end December 2004 was 82 whilst next of kin foster carers totalled 74.
- *Supervised Access Visits*: The service aims to provide supervised access visits to non-custodial parents and relatives. Visits are held on a regular basis and are very often regulated by a Court decree or requested by the Children and Young Persons Advisory Board. Case turnover at end 2004 was 131.
- *Supportline 179*: This national helpline operates 24 hours a day throughout the week including weekends and public holidays to provide immediate help to those seeking information, support and referrals to social welfare entities. During 2004 there were 23,267 calls, out of which 17,449 were genuine cases.
- *Domestic Violence Service*: This social work service was set up in 1994 to intervene with adult service users who suffer abuse. Case turnover for 2004 was 1,012. The Government, through *Agenzija Appogg*, has opened an emergency shelter and partly funds three shelters for domestic violence run by NGOs.
- *Adolescent Outreach Programme*: This service, aimed at adolescents with emotional and behavioural difficulties, is run by *Agenzija Appogg* jointly with

sedqa, Probation Services and the Ministry for Education, Youth and Employment and became operative in September 2004.

- *Homestart*: A new prevention project of *Aġenzija Appoġġ*, which targets families with children under age of 5 years who are considered to be at risk, was launched towards the end of 2004.

192. *Sedqa* offers health promotion, prevention, treatment, and rehabilitation services to persons with drug, alcohol, and/or gambling problems, while supporting their families. As the national agency, *sedqa* is made up of three divisions, namely Care, Prevention and Corporate Service. Each of the said divisions contributes in a specific manner to the issue of substance abuse. Social acceptance and reintegration of the clients in society remain two of the major challenges.

193. The **National Commission Persons with Disability** provides information to disabled persons and their families about their rights, especially in the light of the Equal Opportunities (Persons with Disability) Act. In the near future, the Commission intends to improve the efficiency of its present activities, in order to be in a better position to safeguard the rights of persons with disabilities.

194. The **Malta Social Work Profession Board**, established by the Ministry for the Family and Social Solidarity in accordance with the Social Work Profession Act (Chapter 468 of the Laws of Malta), was set up to regulate the social work profession and ensure the necessary professional standards and ethics.

195. In 2001, the Government appointed a family commission — The National Family Commission, also known as KNF — *Kummissjoni Nazzjonali Familja* within the Ministry for the Family and Social Solidarity. One of the main objectives of the Commission is to advise the Government and to suggest appropriate measures so as to promote the well being of Maltese families, in the context of the rapid social changes that are taking place. The new Commission will be providing the necessary support to the Ministry responsible for Social Policy in its effort to integrate family and social policies. It also provides for the appropriate forum that will allow the family to become an active and empowered subject. The National Commission for the Family is entrusted with the following tasks:

- To study the impact of all legislation on the family — and where necessary propose and promote new legislation — ensuring that the families, and the fundamental rights of every human being within them, are adequately safeguarded
- To examine the effects of economic changes on the Maltese families and to ensure that these families benefit from the economic advances of the country
- To examine all social welfare benefits as well as fiscal and other benefits, services, or policies in order to ensure that these are designed in a manner which strengthens the family unit under all circumstances
- To promote and to ensure the integration of social and family policies at all levels of society

196. **Early Childhood Development and Care:** While kindergarten classes, under the responsibility of the Ministry for Education, Youth and Employment, start at the age of three, younger children can attend Child Day Care Facilities, which are a relatively recent phenomenon in Maltese society.

197. Since 2002 *Aġenzija Appoġġ* has been running a child care and family resource centre situated within the *Aċċess* Community Resource Centre in Birgu. This centre, which was purposely built, allows for generous indoor space for different age groups as well as ample open spaces. The children, who all hail from the Cottonera Area, are served with activities that meet their developmental needs. In order to provide a holistic service, the Child Care Centre addresses parental issues and the parents of these children are also

served with practical programmes such as first aid, road safety and safety at home. Moreover the facility has an active role in the local community and is structured in a way that responds to its needs. Attendance at the Centre for persons in receipt of social assistance and/or earning a minimum wage is free of charge, but the facility is also open for persons with higher incomes, against a fee.

198. In 2002, a Technical Committee for Child Day Care Centres (TCCDC) was set up by the then Minister for Social Policy, specifically to start the process which would eventually lead to the regulation of child day care facilities. Once the legislation is in place, service providers and premises will have to be licensed in order to offer the service. Whilst the Ministry for the Family and Social Solidarity (MFSS) is currently the lead Ministry responsible for services catering for the 0–3 age bracket, since 2003 there has been close collaboration with the Ministry for Education, Youth and Employment (MEYE) on this issue and this is due to the strong educational aspect within the service.

Residential services for vulnerable children

199. Programm Fejda, set up in 1997, and St. Jeanne Antide Home, set up in 2003, are two residential programmes for vulnerable children, both situated at the premises known as the *Conservatorio Vincenzo Bugeja*. Programm Fejda is a residential and life skills therapeutic set-up for girls who show personal, social and familial difficulties within the normal process of development, while St. Jeanne Antide Home is a residential and caring therapeutic set-up for girls, who leave their families to seek care or shelter because of any form of abuse. The aims of these two programmes are to offer best quality, child-oriented and child-centred services to service users who have personal, social and familial difficulties. When service users are admitted to these residences the ultimate responsibility of the girls remain with the parents as their parental right is not withdrawn upon admission. In this regard, the two programmes seek to collaborate with parents on any decision affecting their daughters, and experience has shown that this approach assists in the therapeutic process of the service user and helps the child's reintegration within the family.

200. On the other hand, the care and custody of service users who are subject to a Care Order is assumed by the Minister for the Family and Social Solidarity. In this way, the involvement of parents is restricted to the decisions taken by the Minister, on the recommendations of the Children and Young Persons' Advisory Board. Whenever the parent-child relationship is set to improve through organized contact, a case conference is called and recommendations in this regard are put forward.

201. As a general rule, parents are involved in their daughters' education and they are also encouraged to be present at school meetings and to attend special school occasions such as parents' day. Parents are also consulted and encouraged to be present at all health appointments.

202. **Dar is-Sliem**, which opened in June 2003, offers a residential setup with services to unaccompanied minor asylum seekers under the age of 18 years. According to the Refugees Act (Chapter 420 of the Laws of Malta), any child or young person below the age of eighteen years who is found under circumstances which clearly indicate that he is a child or young person in need of care, shall be allowed to apply for asylum, and shall be assisted in terms of the Children and Young Persons (Care Orders) Act. In this context, the care and custody of unaccompanied minors are the responsibility of the Minister responsible for Social Policy.

203. The minors are then monitored by the Children and Young Person's Advisory Board and cared for by the professionals working at *Dar is-Sliem*. The residents have access to the UNHCR representative in Malta and are supported by the lawyers of the Jesuit Refugee Services (JRS).

Educational initiatives

204. Within the educational field, the Foundation for Educational Services (FES) has been established in Malta in April 2001. It was conceived as a mechanism that enables the Education Division within the Ministry of Education to provide, among others, a range of innovative educational initiatives in the field of literacy support and to spearhead change in this sector.

205. A central principle of the FES is the recognition and affirmation of parents as primary educators of their children and as key partners in the range of educational support initiatives that the organization offers. Recognizing that parents have both rights as well as responsibilities, and that they require support in order to fulfil their responsibilities towards their children, the FES offers a range of family learning support initiatives. Over 150 teachers have received intensive training by the FES to run Family Literacy Programmes both during and after school hours.

206. Participation in these programmes exceeded 5,000 parents and the group context in which these programmes were carried out enabled practical teaching and learning tools conducive to children's development at home and the strengthening of family relations and family-school links. Parents were also trained for a range of educational leadership roles and for the provision of active child minding on site during lifelong learning courses for parents and the wider community, at community level.

207. In addition these programmes enable parents to realise that they too are learners and that they have their own specific learning needs. This allows them to move on and tap other lifelong learning opportunities. Parents trained by the FES are participating in community literacy outreach activities and providing family reading services through community libraries. Other parents trained by the FES have contested School Council elections and are representing the voices of their peers. The Family Literacy model developed by the FES in Malta has been exported to other EU countries through a Socrates/Grundtvig project.

Funding and support to non-governmental organizations

208. The Ministry for the Family and Social Solidarity will continue to promote the involvement and offer financial support to NGOs that provide social welfare services. Every year, NGO's are asked to submit project proposals and evaluation reports to a Project Selection Committee who would then recommend the necessary funding for the different projects.

209. The Ministry for the Family and Social Solidarity will also draw up proposals for legislative measures to register and regulate the operations of non-governmental organizations. In 2004, various NGOs were eligible to a total allocation of Lm 720,000.

210. **Suret il-Bniedem** and **YMCA**: These two NGOs are partially funded by the Government to provide shelter to a number of individuals who would otherwise remain homeless. The main client groups of these shelters include, refugees, persons with mental health problems, and persons with a history of drug abuse.

211. **San Blas Programme**: This drug rehabilitation programme, run by the New Hope Foundation of Caritas (Malta), is heavily subsidized by the Government, and is intended for self-referred clients. The management of clients, who also experience mental health problems, and the programme's retention rate, remain two major problems. There is also the need to offer specific treatment to women and to increase the amount of educational classes. The Prison Inmates Programme is another drug rehabilitation programme offered by this foundation to cater for clients referred from the Corradino Correctional Facility.

C. Separation from parents

212. The Civil Code (Chapter 16 of the Laws of Malta) makes ample provisions in favour of the rights of the child with regard to custody and visiting rights in separation proceedings between the parents. The number of cases for personal separation before the First Hall of the Civil Court for the years 1997 to 2004 was the following.

Figure 7

Personal separation cases

Year	1997	1998	1999	2000	2001	2002	2003	2004
Number of cases	157	104	132	133	111	192	165	154

Source: Family Court Registry, Ministry for Justice and Home Affairs.

213. The parties involved in separation cases are the subjects of the cases themselves. This requires special attention and dedication and this is why the Government has launched the Family Court with special regulations. The Family Court was inaugurated on 16 December 2003. The State has a duty to safeguard families because it has an interest in the institution of marriage – not to force people to live together when they want to separate, but to ensure that when there is an opportunity for the marriage not to break up, it does not do so. Where this is not possible, the State has to ensure that children do not suffer because of their parents' actions. This is not intrusion, but the carrying out of obligations.

214. With the setting up of the Family Court, a number of new procedures came into force, one of which is the increased amount of humanity in the process. Another innovation is the process of mediation before separation papers are seen by the judge, though the judge will always have authority over the whole process, from the beginning to the end of the mediation. Cases will go through two stages; the first when reconciliation is attempted, and if this is not possible, then the second, where there will be a genuine attempt to diminish the trauma and suffering that such a separation would bring about.

215. The following are some statistics related to the Family Court at Mediation Stage.

Figure 8

Number of cases at mediation stage

Year	2003	2004
Letter for personal separation	2	673
Note for consensual separation	nil	439
Total	2	1 112

Source: Family Court Registry, Ministry for Justice and Home Affairs.

216. As from 3 September 2004, cases of child negligence, threats or slight injuries within families are being heard in front of one magistrate in the new criminal section of the Family Court. The Domestic Violence Bill together with the function of this new section of the Family Court, both help in the implementation of any law passed regarding this subject.

217. The new criminal section provides a quieter and more intimate setting for the cases to be heard. This is important considering that many times children involved are asked to testify. They must be made to feel comfortable and their level of fear and apprehension should be alleviated as much as possible. This new section encourages people to report domestic crimes, while the cases filed will not be lost among all the other district cases in the Magistrates' Court. This new section has a video-conferencing facility and it allows children to give their testimony in a more comfortable environment and tries to make the whole experience less traumatic.

218. Other contraventions that are being heard by this new criminal section of the Family Court are issues of spousal maintenance in cases of separation, and of parents abandoning or kidnapping their children.

219. The Family Court, Mediation Services, and video-conferencing in the Criminal Court, have all been moves in the right direction to give children a voice.

220. *Aġenzija Appoġġ* offers protection to vulnerable children, though removing children from their own home is resorted to as a very last option. However, one has to acknowledge that there are situations when in spite of the various attempts to support parents in bringing up their own children, leaving children in their own home environment would be detrimental to their own well being. This is particularly so in situations of child maltreatment and abuse. In such situations, Maltese legislation through the Children and Young Persons (Care Orders) Act allows for the removal of children from their own home environment.

221. Moreover there are a number of children who are temporarily removed from their home environment with the consent of their parents. Such children would very often be placed in Residential Care. Parents do not often opt for foster care and hence the majority of these children would remain in Residential Care for the time in which they are separated from their parents.

222. The Agency also offers Psychological Services, set up in July 2001 in order to support those children who, for one reason or other, have had their relationship with their parents, disrupted.

223. The Court Service within *Aġenzija Appoġġ* was set up in 2001. The service provides a pool of experts who assist the Court by drawing up Care and Custody Reports. The social workers concerned assess and evaluate the family and particularly the children's situation and recommend the best course of action, for the protection and well being of the children concerned. The case turnover for 2004 was 176.

D. Family reunification

224. As a result of its geographic position, at the crossroads of the Mediterranean and on the threshold of Europe, Malta is experiencing a steady influx of irregular immigrants/asylum-seekers. Records show that in 2002 there were a total of 1686 irregular immigrants. Although in 2003 the figure decreased to 502, this rose again in 2004 to 1388 arrivals in 52 different groups.

225. The Office of the Refugee Commissioner became fully operational on 1 January 2002. Between January 2002 and November 2004, this Office processed 1,569 cases involving 1,903 persons. As a result of this process, eligible asylum seekers were granted either refugee or humanitarian protection status and were allowed to reside in Malta in terms of the Refugees Act. By granting refugee or humanitarian protection status to 53 per cent of the applicants, Malta emerges as the country with the highest acceptance rate in Europe.

226. In August 2004, the Refugees Act was amended, as experience highlighted the need for amendments to be made to the legal framework in the interest of genuine asylum seekers. The 2004 amendments introduced the right to review a person's detention under the Immigration Act whenever it was felt that the period of detention was unreasonable, provided for the setting up of a number of Chambers of the Refugee Appeals Board, and introduced a list of safe countries of origin.

227. The Immigration Act (Chapter 217 of the Laws of Malta) excludes from its purview as prohibited immigrants all citizens of Malta and their dependants. A prohibited immigrant is one who is not granted a residence permit in Malta in terms of Section 5 of the said Act.

228. The Constitution of Malta enshrines the principles of Maltese citizenship. Details of citizenship matters are contained in the Maltese Citizenship Act (Chapter 188 of the Laws of Malta). Those persons who were born in Malta prior to 21 September 1964 (when Malta became an Independent State), of at least one parent born in Malta, acquired Maltese citizenship at birth. Those born after that date and prior to 31 July 1989 acquired Maltese citizenship automatically simply by birth in Malta. Persons born on or after the 1st August 1989 become citizens of Malta only if one of the parents is a citizen of Malta. Persons born outside Malta become citizens of Malta if their father (prior to 1 August 1989) or their father or mother (after 1 August 1989), are citizens of Malta at the time of birth.

229. Following changes effected to the Maltese Citizenship Act on 10 February 2000, dual citizenship became the rule in Malta. That is, Maltese citizens can retain another citizenship and non-Maltese who are registered or naturalised as citizens of Malta can retain their citizenship of origin.

Unaccompanied minors

230. Irregular immigrants who claim to be under the age of 18 years and are not travelling in the company of either of their parents or guardian, warrant particular protection. In the absence of a responsible adult, the State, through the issue of a Care Order,⁵⁸ assumes legal responsibility for such unaccompanied immigrant minors. By virtue of this care order, irregular immigrant minors become eligible to receive the assistance, care and services to which local children are entitled.

231. In view of their vulnerability because of age and the absence of parents/guardians, the Ministry for the Family and Social Solidarity, in collaboration with other Ministries and NGOs, address as far as possible the specific welfare needs of unaccompanied minor immigrants.

232. The Ministry for the Family and Social Solidarity works towards the social welfare and integration of unaccompanied minors by ensuring that:

- They are either placed in foster care or provided with a residential service that specifically caters for persons under 18 years of age
- The necessary mechanisms to enhance efficiency in the appointment of guardians are developed within the existing administrative framework
- Through collaboration with the Ministry of Education, Youth and Employment, unaccompanied minors are given access to educational and training opportunities through: (i) their integration in existing education institutions, and (ii) ad hoc in-house training courses specifically designed for immigrant minors (such as teaching of English, national and European culture)
- Through co-ordination with the competent entities, irregular unaccompanied immigrant minors are helped to develop the necessary skills to eventually enable them, upon reaching 18 years, to live an independent life as integrated adult citizens within society
- In collaboration with the competent authorities, minors aged 16 years and over are granted the right to work when this forms part of their apprenticeship or training courses.

⁵⁸ As laid down in Chapter 285 Children and Young Persons (Care Orders) Act.

Figure 9

Unaccompanied minors for the years 1997–2004

<i>Year</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>Total</i>
Males	10	11	36	13	9	42	41	46	208
Females	4	7	32	13	6	35	39	43	179
Total	14	18	68	26	15	77	80	89	387

Source: Emigrants Commission and Refugees Commissioner.

233. In order to ensure that Care Orders are only issued only in respect of minors, that provisions for minors are not abused, and that actual minors are not deprived of the accommodation and services to which they are entitled by virtue of their age and the degree of vulnerability associated with it, the Ministry for Justice and Home Affairs in consultation with the Ministry for the Family and Social Solidarity shall, in those cases where there is good reason to suspect the veracity of the minority age claimed by the immigrant, require the individual concerned to undertake an age verification test as soon as possible after arrival.

Irregular immigrant families, unaccompanied women with children and pregnant women

234. Families travelling with small children, unaccompanied women with children and pregnant women may find themselves in a more stressful and vulnerable situation than other irregular immigrants. Their particular needs may differ from those of adult male irregular immigrants who are travelling on their own. Therefore, further to the general welfare considerations discussed above, the Ministry for the Family and Social Solidarity will promote equality of opportunity and adopt a family oriented approach that acknowledges and addresses the particular needs and conditions of these more vulnerable immigrants.

235. In collaboration with other Ministries, civil society and NGOs, the Ministry for the Family and Social Solidarity shall as far as possible:

- Ensure that irregular immigrant families, including single parents with children are, where possible, accommodated together so as to remain united
- Allow, where possible, families and women with children to prepare their own meals if they so wish
- Ensure that irregular immigrants have access, on request, to family planning information
- Promote and encourage the participation of pregnant female immigrants in existing psycho-social programmes with a view to prepare them for motherhood
- Liaise with the Health authorities so that ante-natal and postnatal classes are, where possible, delivered in a language that immigrant expectant mothers understand so as to facilitate their participation.

E. Illicit transfer and non-return**Legislative, administrative and judicial steps**

236. Malta acceded to the Hague Convention on the Civil Aspects of International Child Abduction (1980) and the European Convention on the Recognition of Decisions

Concerning Custody and on Restoration of Custody of Children (1980) by enacting the Child Abduction and Custody Act (Cap 410 of the Laws of Malta).

237. Council Regulation (EC) 2201/2003 (Brussels II *bis*), concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, is shortly to come into force in Malta, thus enabling Member States of the European Union (with the exception of Denmark) to mutually enforce judgments relating to matrimonial matters and matters of parental responsibility. This Regulation will also help in matters of international child abduction, since it complements the Hague Convention on the Civil Aspects of International Child Abduction.

238. The monitoring of such situations in Malta is the responsibility of the Maltese Central Authority, which was established in accordance with the Hague Convention. The Child Abduction and Custody Act, stipulates that the Director responsible for Welfare shall carry out the functions of the Central Authority. The Central Authority receives and processes incoming and outgoing applications of cases of international child abduction or cases of access to children. It also assists the applicants to find lawyers to initiate judicial proceedings and to represent them in court, should a voluntary return of the child not be possible. The Maltese Central Authority, in discharging its duties, is assisted, as and when required, by other relevant entities such as the Malta Police Force and *Aġenzija Appoġġ*.

239. No bilateral or multilateral agreement exists with other States with regard to international child abduction.

Progress, difficulties and statistical data (1997–2004)

240. Since the adoption of the Child Abduction and Custody Act, Malta has dealt with 19 incoming and outgoing applications (including cases of siblings), 17 being wrongful removals or retentions, and 2 cases for registration. The cases dealt with involved Malta, England, Scotland, Australia, New Zealand, Denmark, Poland, Germany and Switzerland:

- **Gender:** 5 females, 14 males.
- **Age:** Ages ranged from 1 to 14 years.
- **National Origin:** Malta, England, Australia, the Netherlands, Germany, New Zealand.
- **Place of residence:** Malta, England, Australia and Scotland.
- **Family status:** Mostly legally or de facto separated and divorced parents. However, there were children of married or cohabiting parents.
- **Relationship with the perpetrator:** In 14 cases the perpetrator was the mother. In 3 cases the perpetrator was the father. The other 2 cases were just for registration purposes.

F. Children deprived of their family environment

241. There are a number of children who may be deprived of living in their own family environment. Due to our belief that the child's best upbringing is within a family environment, and in line with our belief and as stipulated in the UN Convention, that the child has a right to a family life, the *Fostering Service* of *Aġenzija Appoġġ* became operational in the year 2000. Prior to this, Foster Care was under the responsibility of an Inter-Agency team made up of the Department of Family Welfare, the Social Welfare Development Programme, and the Church, with all casework being under the responsibility of the former.

242. Although a number of children will continue to require alternative placements, Foster Care is the way forward. The vast majority of children needing to be removed from their home environment for a short or long term period will benefit from foster care. The service provides awareness of Foster Care, trains and assesses prospective foster carers, matches and supervises foster care placements so as to support foster carers.

243. On the other hand, the *Looked After Children Service* was set up with the aim of following up all children who are living away from their own family, be it in foster or residential care. The service aims at ensuring that none of these children are lost or forgotten in the care system, and aims as far as possible to re-integrate children within their own families wherever possible. The service also offers a *High Support Service* to children living in Residential Facilities and who require specialized attention. 21 carers have been employed to providing individualised care to 17 children living in such residential facilities.

244. With reference to children in Residential Care, various protocols and procedures were established over the past years in order to ensure a better quality service to these children. Amongst these are:

- Admission Procedures
- Admission Pack
- Respite Care Policy.

245. Another category of children who may be deprived of their own family environment are children witnessing Domestic Violence. Such children are often traumatised as a result of the violence that they witness and often feel very protective of their non-abusive parent. In addition they often experience a sense of guilt as a result of being unable to protect the non-abusive parent. In this regard, the agency provides support to victims of Domestic Violence, through the *Domestic Violence Unit*, which service has been in operation since 1994. In October 2000, the Agency opened its own *Residential Service for victims of Domestic Violence* and their children. This helps in keeping children with their own mother, when the mother needs to leave the matrimonial home. Further support is required for these children and although the agency has attempted to offer psychological group sessions to children witnessing domestic violence, this area requires further investment. Moreover, in the year 2000, a service for Male Perpetrators of Domestic Violence, *Men's Services*, was set-up. Such service helps the perpetrator address his problem of violence, thus promoting a safer family environment.

246. The service users of *Programm Fejda* and *St. Jeanne Antide Home* come from different backgrounds. Some come from adequate family environments, and on a general basis such service users are referred to any of the programmes because of their behaviour, while others are admitted to the programmes because of problematic family situations which deprive them from an adequate family environment. From their experience with their families, these adolescents would not even have a concept of what a healthy family environment is. Hence the programmes seek to offer a family environment as much as possible. Adult staff members and youngsters share meal times, leisure activities, meetings, living experiences and domestic chores, as it is usually within this sharing that appropriate modelling, modifies behaviour and attitudes. In this way, healthy relationships between adults and youngsters are enhanced.

247. At *Dar is-Sliem*, residents are provided with care and shelter within the residence. Until 2004, *Dar is-Sliem* was the only residential set-up of its type in Malta. It caters for asylum seekers who are unaccompanied minors. When the minors are transferred from the detention centres to *Dar is-Sliem*, they are given freedom of movement in Malta as well as the right to free education and free health services.

248. St. Patrick's Salesian School and Home for the Boys caters for about 150 boys. Its caring approach and its flair for extra-curricular activities and innovative learning

techniques make it easy for boys to integrate and settle down. The residents live in a 'family' style atmosphere where small groups of boys are taken care of by mature and caring adults. The staff works in partnership with parents to help them keep contact with their children.

G. Adoption

249. The Adoption Unit within the Department of Family Welfare aims to find permanent homes that provide legal stability for children who cannot be cared for by their own family. It also prepares and guides prospective adoptive parents who apply for local and inter-country adoption. In general, the Adoption Unit provides the following services:

- Counselling and guidance to applicants
- Information meetings
- Preparation sessions for Prospective Adoptive Parents
- Drafting Home Study Reports and presenting them to the Adoption and Fostering Panel
- The matching of children with Adoptive Parents in respect of local adoptions
- The drawing up of post-adoption reports
- The tracing of natural parents of adopted adults.

250. The Adoption Unit also deals with post adoption services. Unit social workers continue to visit the adoptive parents and the adopted children at periodic intervals for a specific time according to the procedures of the country of origin and prepare a report on the progress of the child and his/her integration within the adoptive family. This report is then sent to the competent authorities of the foreign countries concerned.

251. Malta has bilateral agreements with Romania and Albania, which ensure that the requirements of paragraph (e) of article 21 of the Convention on The Rights of the Child are observed.

252. The incompatibility with regard to procedures of intercountry adoption has been resolved since October 2004, when Malta acceded to the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption and enacted the pertinent regulations.

Figure 10
Adoptions in Malta and from other countries to Malta

<i>Country</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>Total</i>
Albania	2	2	2	1	1			4	12
Columbia	1								1
Costa Rica							1		1
Ethiopia							7	18	25
Georgia					1				1
Greece			1						1
Italy			1						1
Kazakhstan					1				1
Kenya					1	2		4	7
Korea							2		2

Country	1997	1998	1999	2000	2001	2002	2003	2004	Total
Latvia								1	1
Malawi							1		1
Malta	12	14	17	15	16	15	9	24	122
Morocco						2		2	4
Pakistan		4	10	7	10	4	10	6	51
Philippines		1	2				1		4
Poland		3							3
Romania	42	31	38	33	23	10		5	182
Russia		1						3	4
Tunisia					1				1
UK	3	1	1		1		1	2	9
Ukraine								1	1
Albania	2	2	2	1	1			4	12
Total	60	57	72	56	55	33	32	70	435

Source: National Statistics Office – Demographic Review 2004.

H. Periodic review of placement

253. The *Looked After Children Service* and the majority of residential homes seek to ensure that all children's placements are reviewed regularly. Case Reviews are organized regularly and the professionals involved, the parents and the children concerned are brought together in order to review the placement arrangements. A new care plan is then drawn up for the coming period according to the current needs of the children.

I. Abuse and neglect (including physical and psychological recovery and social reintegration)

254. Within *Aġenzija Appoġġ*, the Child Protection Service was consolidated as various national procedures were reviewed or introduced in order to afford better protection to children. Amongst these one should mention:

- The Child Protection Policy for Schools
- The protocol for Child at Risk due to their Parents Addictive Behaviour (*sedqa* and Caritas)
- The protocol between the Department of Student Services and International Relations within the Ministry of Education and the Foundation for Social Welfare Services
- The protocol between the Education Division, non-State schools, the Archdiocese of Malta, and the Foundation for Social Welfare Services
- Data Protection Legislation for the protection of Minors
- The introduction of video conferencing facilities for children giving evidence in criminal proceedings
- The introduction of a system where all child abuse cases are heard by one Magistrate.

255. Supportline 179 started off as a helpline to help victims of child abuse and domestic violence, eventually evolving into a national helpline dealing with various problems, including domestic violence, rape, child abuse, suicide, loneliness, homelessness, mental health, emotional difficulties and behavioural problems amongst others. There has been a yearly recruitment and intake of volunteers, with a current total of 100 volunteers recruited with Supportline 179.

Figure 11
Statistics related to Supportline 179

Type of call	1997	1998	1999	2000	2001	2002	2003	2004	Total
Genuine	5 754	5 568	5 998	10 978	10 409	12 180	18 758	16 816	86 461
Hoax	0	0	0	0	1 178	441	835	780	3 234
Hang up	0	0	0	0	6 481	7 309	5 110	3 413	22 313
Wrong number	0	0	0	0	1 571	1 495	1 800	1 429	6 295
Total	5 754	5 568	5 998	10 978	19 639	21 425	26 503	22 438	118 303

Source: Agenzija Appogg, 2004.

Figure 12
Phone calls compiled according to age

Type of call	1997	1998	1999	2000	2001	2002	2003	2004	Total
Adult	0	0	0	0	0	0	18 219	1 222	19 441
Child	0	0	0	0	0	0	539	29	568
Total	0	0	0	0	0	0	18 758	1 251	20 009

Source: Agenzija Appogg, 2004.

Figure 13
Phone calls compiled by nature of case

Nature of case	1997	1998	1999	2000	2001	2002	2003	2004	Total
Adoption	0	0	0	0	4	2	19	9	34
Aids/HIV	0	6	1	0	23	8	54	20	112
Alcohol	72	46	29	139	53	23	119	125	606
Anxiety	0	0	0	0	294	224	326	283	1 127
Behaviour	0	0	0	0	0	0	0	0	0
Bereavement	27	9	32	84	30	24	62	42	310
Bullying	23	55	0	63	51	28	106	115	441
Child abuse	353	291	278	482	190	263	587	489	2 933
Depression	485	690	1 090	2 102	1 505	1 989	2 534	2 762	13 157
Disability	1	0	0	0	14	23	75	96	209
Domestic abuse	297	233	239	379	336	288	864	615	3 251
Drugs	52	40	28	126	55	34	125	114	574
Elderly	7	0	0	0	63	37	383	509	999
Financial	7	29	22	99	76	29	87	68	417
Fostering	0	0	0	0	6	9	35	18	68
Gambling	8	8	10	57	16	10	27	18	154
Gay	1	0	0	0	32	14	52	41	140

<i>Nature of case</i>	1997	1998	1999	2000	2001	2002	2003	2004	<i>Total</i>
Homeless	0	0	0	0	58	45	187	152	442
Housing	4	0	0	0	19	12	51	29	115
Information	735	558	543	1 118	1 500	1 510	1 688	1 499	9 151
Legal	42	0	0	0	30	43	101	82	298
Listening services	327	295	370	509	1 737	1 751	1 926	1 501	8 416
Loneliness	312	356	640	1 206	1 507	2 035	3 338	2 492	11 886
Marital/partners	548	545	534	792	586	600	1 212	990	5 807
Mental health	1 054	1 458	1 080	1 989	1 421	2 461	3 246	3 328	16 037
Other relations	277	307	453	665	63	30	45	79	1 919
Others	9	0	0	0	0	162	0	0	171
Parent-child	396	442	414	678	451	384	926	869	4 560
Separation	0	0	0	0	63	54	231	143	491
Pregnancy	3	0	0	41	14	13	43	38	152
Rape	1	0	0	0	6	3	10	3	23
Refugees	0	0	0	0	2	0	10	4	16
Residential homes	0	0	0	0	0	0	46	69	115
School	508	0	0	0	30	14	25	31	608
Sexuality	78	106	170	235	85	14	79	57	824
Single parents	0	0	0	0	22	5	38	22	87
Single persons	0	0	0	0	11	12	15	13	51
Suicide	38	26	16	47	12	10	32	41	222
Terminal illness	68	57	46	163	24	6	37	32	433
Usury	0	0	0	0	0	0	2	5	7
Unemployment	21	11	3	4	20	11	15	13	98
Totals	5 754	5 568	5 998	10 978	10 409	12 180	18 758	16 816	86 461

Source: Agenzija Appogg, 2004.

Figure 14

Services provided by Agenzija Appogg

<i>Children's services</i>	<i>Adult and family services</i>	<i>Community/generic services</i>	
Child protection	Domestic violence	Generic	Generic social work
Fostering	Family therapy	Cottonera community team	Programme Uljed Darna
Looked after children	Psychological	Initial response team	Homestart
Court	Health	Customer care	Youth outreach
	Smart kids	Social housing	
	Refugee	Prison	

Source: Agenzija Appogg, 2004.

J. Additional information and statistics

Abused children

256. The Child Protection Service intervenes whenever allegations of child abuse are made. Social Workers carry out verifications and intervene to stop the abuse. The following tables give a clear indication of the number of cases reported to the Agency between 1997 and 2004.

Figure 15

Cases referred to *Aġenzija Appoġġ* between 1997 and 2004

	1997	1998	1999	2000	2001	2002	2003	2004	Total
January	31	36	37	41	45	71	122	86	469
February	67	23	33	54	31	52	82	101	443
March	36	21	43	78	53	61	111	103	506
April	33	23	37	74	57	58	127	88	497
May	47	32	40	80	75	93	174	83	624
June	42	43	40	67	60	87	159	70	568
July	22	20	37	49	39	97	134	50	448
August	35	15	47	77	61	108	91	109	543
September	12	33	37	38	60	106	129	42	457
October	38	39	47	73	62	139	113	58	569
November	34	40	45	66	71	126	74	50	506
December	26	32	43	59	47	92	67	52	418
Total	423	357	486	756	661	1 090	1 383	892	6 048

Source: *Aġenzija Appoġġ*, 2004.

Figure 16

Cases referred to *Aġenzija Appoġġ* compiled by gender

	1997	1998	1999	2000	2001	2002	2003	2004	Total
Female	160	152	198	251	133	310	381	185	1 770
Male	156	142	153	207	80	278	371	154	1 541
Unknown	10	14	6	11	18	38	75	22	194
Total	326	308	357	469	231	626	827	361	3 505

Source: *Aġenzija Appoġġ*, 2004.

Figure 17

Cases referred to *Aġenzija Appoġġ* compiled by age

	1997	1998	1999	2000	2001	2002	2003	2004	Total
0–5 years	3	4	18	54	47	106	163	92	487
6–10 years	59	81	94	117	62	205	255	111	984
11–15 years	108	92	111	131	51	160	254	104	1 011
16–20 years	93	89	95	131	49	118	106	34	715
Total	263	266	318	433	209	589	778	341	3 197

Source: *Aġenzija Appoġġ*, 2004.

Figure 18
Cases referred to *Aġenzija Appoġġ* compiled by type of abuse

	1997	1998	1999	2000	2001	2002	2003	2004	Total
Abandonment	0	0	0	0	0	0	3	0	3
At risk	27	34	22	54	25	76	89	24	351
Bullying	0	0	0	0	0	0	2	0	2
Combination	59	62	107	144	89	207	290	130	1 088
Emotional	21	13	15	26	10	44	59	22	210
Neglect	81	35	66	81	38	87	135	50	573
Physical	88	96	97	98	46	121	131	80	757
Pre-natal	0	3	2	1	0	0	2	0	8
Sexual	48	64	46	59	20	66	96	47	446
Unidentified	2	1	2	6	3	25	20	8	67
Total	326	308	357	469	231	626	827	361	3 505

Source: *Aġenzija Appoġġ*, 2004.

Care Orders

257. The Children and Young Persons (Care Orders) Act came into effect on 29 November 1985 and its aim is to make provision for the care of children and young persons. A Board is appointed to advise the Minister in the discharge of his functions under this Act on the best methods of dealing with every child or young person committed to or taken into his care in accordance with this Act.

258. The aims of the Board are:

- That all children placed under a care order are assured a quality of life that is comparable to minors who have a healthy life style and who are not subject to a care order
- To maintain internationally acceptable standards of care for minors placed under a care order
- To ensure that minors are heard and allowed to participate in the decision making process which may directly or indirectly affect their present or future well-being
- To ensure that existing policies and projects necessary for the well being of minors under a care order are implemented and consolidated
- To establish effective channels of communication between all concerned in the care of the minor under a care order
- To ensure that a care plan is drawn up immediately upon the minor being placed under a care order and regularly monitored and adjusted according to the changing needs of the minor.

259. The Board meets weekly and discusses reports prepared by carers and other interested parties. After meeting all concerned, including the minor, carers and parents, the Board advises the Minister as to what action needs to be taken for the minor's well being.

260. Since the enactment of the Refugees Act, Unaccompanied Minor Asylum Seekers have been placed under a Care Order. All Unaccompanied Minor Asylum Seekers were referred by the Refugee Commissioner and most of them came from Ethiopia, Eritrea, Somalia, Mali, Liberia, the Democratic Republic of Congo, Chad and Moldova.

Figure 19
Care Orders issued between 1997 and 2004

	1997	1998	1999	2000	2001	2002	2003	2004	Total
Local cases	8	16	15	8	12	17	18	23	117
UMAS*							22	58	83
Total	8	16	15	8	12	17	40	81	200

Source: Department of Family Welfare.

Figure 20
Revoked Care Orders

Year	Number	Remarks
2003	10	6 minors reached the age of 18* 2 were adopted 2 revoked by Minister as recommended by the Children and Young Persons Advisory Board
2004	18	14 minors reached the age of 18 1 was adopted 2 revoked by Minister as recommended by the Children and Young Persons Advisory Board 1 asylum seeker was found to be 24 years old after an investigation

Source: Department of Family Welfare.

Foster care placements

261. In 1996 the implementation of a national policy document on fostering was initiated. This brought about a radical change in how this service had been viewed over the years. In fact the number of foster care placements has since increased from 28 in 1997 to 176 in 2004.

262. At present a Foster Care Team consisting of six full-time social workers and three part-timers has been established within *Agenzija Appogg*. Regular awareness campaigns and induction training is delivered every year. Monthly support group meetings for foster carers and children have been established to support all involved in the foster care experience. All foster care families have their own social worker. As part of an ongoing training for foster carers, conferences have been organized on subjects such as attachment and trauma, and life story work. Other services such as family therapy, psychological services, and the services of a paediatrician are also available to foster carers if the need arises.

263. Affiliations with foreign organizations such as IFCO (International Foster Care Organization) and BAAF (British Adoption and Fostering) have been established. The foster care team publishes a monthly newsletter that is circulated among all foster carers. A foster carers committee has also been established. Their role is to organize social events for foster carers. They are also currently working on a document to establish a foster carers' association.

Figure 21

Number of foster carers between 1997 and 2004

	1997	1998	1999	2000	2001	2002	2003	2004
Non-related foster carers	26	30	43	50	63	66	85	95
Related foster carers	2	2	6	7	9	24	43	81

Source: *Aġenzija Appoġġ.*

Children in residential homes

264. Residential homes are an important service for children, particularly for those in their pre-adolescent and adolescent years. Children's placement in residential care should be mostly utilised as a short or medium term measure rather than a long-term placement. Providing stability in residential homes is complex because children in care mostly arrive in unplanned emergencies. The traumatic experiences of their past and the group dynamics add to the further difficulties of residential care.

265. A research carried out in 2001, entitled "Children's Perceptions of their Experience in Foster or Residential Care", found that children in foster care perceived various aspects of their placement to be more positive than children in residential care. Aspects related to strictness, caretaker support, satisfaction and behaviour were perceived more positively in the foster care environment.

266. The church has since 1966 established its own Diocesan Commission for children's homes, which is known as *Uffiċċju Ċentrali* (Central Office) '*Ejjeu Għandi*' with the specific mandate to 'co-ordinate, help and advise the Church's already existing charitable institutions for deprived children. The Central Office has since developed support systems that allowed the re-formulation of policies specifically intended to minimise the effect of institutionalisation. An updated Church Policy has been recently decreed by the Archbishop to guarantee better management to meet the present-day needs of children in need of care. The importance of formal education for children in residential homes was addressed as these children started to be accepted in Church Schools.

267. Through collaboration between Children's Homes, the Southwark Children's Rescue Society (London) and the International Catholic Children's Bureau (Geneva) a continuous education programme was launched, initially for staff working at the Central Office, and eventually for all staff members of the Homes themselves.

268. The severe problems faced by a child at home before entering an institution often involve physical, emotional, sexual or psychological abuse, serious disease situations including mental ill-health, drug and/or alcohol addiction, domestic violence, separated parents, one-parent family, prostitution, abandonment, and imprisonment of the parent/s. Such life experiences obviously leave an impact on the children and thus therapeutic interventions are necessary.

269. Children subject to such dire situations tend to develop emotional instability, often expressed as anger against their natural families, society in general, the caring institution and other persons involved in their education. To immunise themselves against further pain they often seek to inflict pain on others and, in a vicious circle follow on their parents' footsteps by copying them.

270. These children require careful, loving and patient support and understanding to be weaned out of the vicious circle they unwillingly have fallen into. The help required often entails the services of expert professionals such as paediatricians, psychiatrists, psychologists, counsellors, family therapists and other therapies such as drama and music. For such purposes therapy rooms have recently been set up in six Residential Homes.

271. The “HSBC Cares for Children Fund” provides financial support to Residential Homes. The Bank fully understands the homes’ objectives and agrees to carry the expense of some of these services, which are greatly beneficial to children.

272. Apart from residential care, the residential homes run by the Church offer other services. At present, great importance is being given to a Preventive Care Programme, which seeks to eliminate the need of children to be taken into care by providing on-going support to families with problems. They are assisted financially and socially; they are counselled and monitored so that they gradually learn how to programme their lives and lifestyles and become respectable members of the community. This programme taxes the finances and personal resources of Children’s Homes but the results obtained suggest that the effort and sacrifice involved are worthwhile. A number of purposely trained volunteers help in this programme by teaching basic skills, like cooking, looking after children, simple dress-making, home improvements, and hygiene.

273. The Central Office ‘*Ejjew Għandi*’ has also launched four Child Day Care Facilities that provide an opportunity for child growth, development and education, while the parents are out at work.

274. At *Merħba Bik* Home (first stage domestic violence) and Sacred Heart Home (second stage domestic violence), ‘*Ejjew Għandi*’ also provides respite services to battered wives, with or without children, during crises points in their lives.

275. In recent years the Central Office ‘*Ejjew Għandi*’ collaborated with *Aġenzija Appoġġ* to prepare three protocols on:

- Respite foster care
- Admission policy
- The admission pack.

Figure 22

Number of children in church homes between 1997 and 2004

<i>Church homes</i>	1997	1998	1999	2000	2001	2002	2003	2004
Creche – Sliema	47	62	45	49	40	44	60	65
Creche – Valletta	12	11	14	12	7	6	4	7
Angela House	23	59	59	80	55	78	73	55
St. Rita Home	22	12		18	25	22	15	15
Fra Diegu	11	13	18	10	18	14	18	19
St. Joseph – Hamrun	24	23	22	25	24	24	21	16
Fatima Hostel	10	6	6	7	3	4	4	7
St. Joseph – Żabbar	13	14	18	17	14	13	13	14
St. Theresa	5	9	8	8	8	6	5	
Jesus of Nazareth	6	7	8	6	6	3		
Dar Sagra Familja	13	18	19	13	11	17	17	10
Sacred Heart Home	10	11		28	5	6	18	
Total	196	245	217	273	216	237	248	208

Source: *Uffiċċju Ċentrali ‘Ejjew Għandi’*.

Figure 23

Number of children residing at the residences of the Conservatorio Vincenzo Bugeia and Dar is-Sliem (Birkirkara)

<i>Church homes</i>	<i>Year</i>	<i>Number</i>
Programm Fejda	July 1997–December 2004	67
Jeanne Antide Home	January 1997–December 2004	66
Dar is-Sliem – Santa Venera	July 2003–December 2004	59
Dar is-Sliem – Birkirkara	November 2004–December 2004	21

Source: Conservatorio Vincenzo Bugeia.

Figure 24

Number of children residing in St. Patrick’s residential school between 1997 and 2004

	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Number of residents	43	50	47	53	57	65	55	46

Source: St. Patrick’s Salesian School and Home for Boys.

VII. Basic health and welfare

A. Children with disabilities

Legal framework

276. At present the legal framework related to children and young persons with disability is found within the Constitution of Malta, the Education Act, and the Equal Opportunities (Persons with Disability) Act.

277. The Equal Opportunities Act has two main aims:

- To introduce new measures which seek to end the discrimination that disabled people have to confront in everyday life
- To grant legal status to the National Commission Persons with Disability, as the responsible body for the implementation of the Act.

278. The Equal Opportunities Act safeguards the civil rights of disabled people in the following key areas:

- Employment
- Education
- Goods and services
- Accommodation
- Access
- Insurance.

279. Meanwhile, Section 17 of the Constitution of Malta stipulates that:

- Every citizen incapable of work and unprovided with the resources necessary for subsistence is entitled to maintenance and social assistance

- Workers are entitled to reasonable insurance on a contributory basis for their requirements in case of accident, illness, disability, old age and involuntary unemployment
- Disabled persons and persons incapable of work are entitled to education and vocational training.

Establishment of monitoring mechanisms

280. By virtue of the Equal Opportunities (Persons with Disability) Act, the National Commission Persons with Disability (KNPD) is legally empowered to monitor and ensure that the provisions of the Act are being implemented. The KNPD was also instrumental in bringing about cultural change and in influencing policy making in this sector.

281. Malta has also signed the Salamanca Statement (1994), which among other things outlines the changing role of special schools. As signatory to the Madrid Declaration (at the European Congress on People with a Disability, 2002), Malta joined the rest of Europe in proclaiming that disability is a human rights issue.

Education

282. The National Minimum Curriculum (NMC) published in 1999 emphasised inclusive education among its major principles. In fact, principle 8 states that Maltese society: “believes in the broadening of democratic boundaries, in the fostering of a participatory culture, in the defence of the basic rights of children, in the constant struggle against all those factors that prevent the students’ different abilities from being brought to fruition and in the safeguarding and strengthening of our country’s achievements in the social and cultural fields.”

283. The National Minimum Curriculum stresses that inclusive education is based on the commitment of Maltese society to adopt and implement inclusive educational strategies and policies, as well as respecting and celebrating individual diversity. An Inclusive Education Policy was published by the Ministry of Education in 2000, while in recent years various entities, including government organizations and NGOs, have taken numerous initiatives to provide educational services of an inclusive nature, with special emphasis on collaboration and co-operation between all actors.

284. Learning support in State mainstream schools is provided by facilitators and other learning support assistants. Pre-schooling facilities for children with a disability, who have not yet attained the age of four years, are also offered at home, while hearing impaired children are offered mainstream schooling by peripatetic teachers. The Home-Teaching Scheme of the Ministry of Education caters for the instruction of children who are housebound, through visits by a specially designated teacher.

Health care

285. The Ministry of Health offers diagnostic services for all disabled persons and medical assessments of any type and degree of disability, physiotherapy, limited speech therapy services, as well as genetic counselling by way of information and advice regarding the cause and prevention of disabilities. Other services form part of the general practice within State hospitals and include inoculation against infectious diseases like tetanus, diphtheria, polio, mumps, measles, German measles, whooping cough, hepatitis and influenza. Disabled persons in need of long-term medical care are treated in State hospitals according to their condition. A specialist paediatric service is offered to all children attending special schools. Physiotherapy, speech therapy and occupational therapy services have been extended to these schools and are provided within the framework of a specialized curriculum.

286. Other medical services for children include integrated health services within the Child Guidance Clinic and the Young People's Unit (YPU).

287. The Child Guidance Clinic within St. Luke's Hospital was opened in 1993 and is run by the Department of Psychiatry within the Child Development Assessment Unit (CDAU). The clinic has a team of psychiatrists, psychologists, doctors and social workers who normally accept referrals from general practitioners. Close relationships have also been established with the National Commission Persons with Disability and a protocol for the administration of medicines in schools is currently being finalised.

Employment and participation in civil society

288. The Employment and Training Corporation (ETC) has a number of specialized schemes aimed at facilitating the entry of persons with a disability in the labour market.

289. Malta is participating in a number of EU projects aimed at integrating youth with a disability in the labour market. Maltese youth are also participating in a project entitled: *The Bridge – Connecting Mobility and Disability*. The aim of this project is to enable disabled youth to participate actively in creating and developing civil society by joining in events and other activities. The project provides people with disability with the opportunity of travelling and sharing new experiences.

Mental health

290. The Young People's Unit situated next to Mt. Carmel Psychiatric Hospital provides residential psychiatric care to children up to the age of 17. Originally intended to offer day and night facilities for young people with behavioural problems and other difficulties, it now accepts children with learning difficulties and autism as well as referrals from the Juvenile Court.

291. The role of NGOs in the field of disability is particularly active. The range of services offered by these NGOs includes support groups for parents and children, development programmes for children and young people with disability and specialized teaching programmes for children with learning disabilities.

292. The Richmond Foundation, for instance, works in the field of mental health and offers a number of services to persons suffering from mental health problems including intellectual disability. The Church has also been in the forefront to provide services for persons with disability through *id-Dar tal-Providenza*, which provides residential and respite care, as well as the *Arka Foundation*. Other NGOs that work in this field include *Dar il-Kaptan*, the Physically Handicapped Rehabilitation Fund and the Muscular Dystrophy Group. The services on offer range from residential care to respite, job training and part-time work. The Eden Foundation offers diagnostic and assessment services for children with Down Syndrome or learning difficulties, cerebral palsy, autism and related difficulties. The teaching service is run by peripatetic teachers from local schools. Similar services to children with disabilities and learning disabilities are offered by The Equal Partners Foundation.

Welfare

293. The welfare system in respect of all vulnerable service users is two-pronged. In this manner, persons with disability receive both financial assistance, through social security, as well as other support in the form of personalised social welfare services.

294. The Department of Social Security grants a special weekly children's allowance to parents of severely disabled children under the age of 16, and pays disabled pensions to beneficiaries who are over 16 years of age. If persons with disability augment their financial means by any income that does not exceed the minimum wage, the disability pension is not forfeited.

B. Health and health services

Statistical data

295. The Maltese currently enjoy a high level of health as reflected in the general health statistics. Life expectancy at birth in 2004 was 77 years for males and 81 years for females. This is comparable to the EU-15 average, which stood at 76 years for males and 82 years for females in 2002.⁵⁹

296. The infant mortality rate continued to decrease throughout these past years. In 1997 the total number of deaths of children under the age of one year was 31 and in 2004 this was 23. In 2004, the infant mortality rate was 5.9 per 1000 live births, the neonatal death rate (deaths in the first four weeks of life) was 4.4 per 1000 live births and the stillbirth rate was 3.8 per 1000 total births. Deaths under the age of 5 years occurred at the rate of 1.6 per 1000. The commonest causes of these deaths were congenital malformations or disorders, and conditions originating in the pre-natal period.

297. The crude death rate for the whole population was 7.45 per 1000. Diseases of the circulatory system were the main cause of death, with 42 per cent of all deaths, while malignancies came second at 24 per cent. The single most common cause of death for both men and women was ischemic heart disease, with 23 per cent and 20 per cent of all deaths in males and females respectively. This was followed by cerebrovascular diseases, which stood at 9 per cent for males and 13 per cent for females. The commonest death from cancer among men was cancer of the trachea, bronchus or lung, and among women, cancer of the breast. This accounted to 7 per cent and 4 per cent of all deaths in males and females respectively. As far as age is concerned, 86 per cent of all deaths occurred in those aged 60 and over, with the highest mortality rate, i.e., 19 per cent of all deaths, occurring in the 80–84 year age group. 16 per cent of all deaths occurred in the 90 and over age bracket.

298. The infant mortality rate during 2003 was 5.5 per 1000 live births. This figure includes all infants, weighing at least 500g, who died while still under the age of one year. The prenatal mortality rate, which includes all foetal deaths weighing 1000g or more, plus early neonatal deaths of infants weighing 1000g, and over, at birth was 4.72 per 1000 births.

299. During the year 2003 there were 37 deaths — 26 males and 11 females — among children aged between 0 to 18 years. This represents 1.2 per cent of all deaths during the year. The most common causes of death within this age group include conditions originating in the prenatal period. These cases account for 30 per cent of all deaths in this age group and usually occur within the first year of life. Congenital anomalies accounted for 35 per cent of deaths in this age group, while cancer accounted for another 8 per cent. External causes of death mainly traffic accidents, drowning and accidental poisoning accounted for 16 per cent of all deaths within this age group.

300. The following tables and figures provide updated statistical data for the period 1997 to 2004.

Figure 25
Births between 1997 and 2004

	1997	1998	1999	2000	2001	2002	2003	2004
Live births	4 835	4 488	4 308	4 255	3 859	3 805	3 902	3 686
Males	2 547	2 308	2 183	2 126	1 992	1 997	1 956	1 899
Females	2 288	2 180	2 125	2 129	1 867	1 808	1 946	1 787

⁵⁹ Eurostat Demography Statistics.

	1997	1998	1999	2000	2001	2002	2003	2004
Births outside marriage	356	367	434	464	499	569	678	744
% births outside marriage	7.4	8.2	10.1	10.9	12.9	14.9	17.3	20.1
Total per 1,000 population	12.89	11.89	11.36	11.16	10.05	9.86	10.06	9.46
Still births	29	23	31	17	24	21	18	15
Rate per 1,000 births*	6.0	5.1	7.1	4.0	6.2	5.5	4.6	3.8

Source: Demographic Review, 2004 National Statistics Office.

1 Including still births.

Figure 26

Death of infants under 1 year of age

	1997	1998	1999	2000	2001	2002	2003	2004
Males	17	17	18	13	12	9	16	14
Females	14	7	13	13	5	14	7	9
Maternal deaths								
Total	31	24	31	26	17	23	23	23

Source: Demographic Review, 2004 National Statistics Office.

Figure 27

Infant mortality by selected causes

	1997	1998	1999	2000	2001	2002	2003	2004
All infectious diseases	0.4			0.2	0.7	0.2		0.6
Respiratory diseases	0.6			0.4	0.7	0.4	0.2	1.2
Congenital malformation	1.9	1.3	2.2	2.3	2.2	3.4	2.9	3.1
Birth injuries/difficult labour	1.3	1.7	1.8	4.4	4.1	3.2	4.7	2.1
Placenta and cord	1.0	1.1	0.4	0.4	0.7	0.6	1.1	0.2
Anoxic and hypoxic conditions	2.3	1.0	1.1	1.8	0.3	0.6	1.7	0.8
All other and ill-defined causes	2.6	2.2	2.4	1.8	0.4	1.2	0.2	
Rate per 1,000 live births	10.1	7.3	7.0	10.4	9.1	9.6	10.8	8.2
Absolute numbers	53	39	44	58	49	51	59	42

Source: Demographic Review, 2004 National Statistics Office.

Figure 28

Age in completed years at time of death (all persons)

	1997	1998	1999	2000	2001	2002	2003	2004
>1	31	24	31	26	17	23	23	23
1<	9	6	4	4	9	5	2	8
5<	2	3	2	4	3	2	2	1
10<	5	4	8	3	1	4	2	1
15<	11	19	7	9	12	9	8	11
20<	16	14	12	11	15	13	16	15
25<	34	20	30	23	28	34	31	25

	1997	1998	1999	2000	2001	2002	2003	2004
35<	60	62	64	45	41	43	58	37
45<	154	147	166	167	161	155	140	124
55<	250	286	308	284	268	286	289	285
65<	695	705	680	715	657	685	655	631
75<	1 621	1 754	1 785	1 666	1 723	1 772	1 846	1 739
All ages	2 888	3 044	3 097	2 957	2 935	3 031	3 072	2 903

Source: Demographic Review. 2004 National Statistics Office.

Figure 29

Age in completed years at time of death (males)

	1997	1998	1999	2000	2001	2002	2003	2004
>1	17	17	18	13	12	9	16	14
1<	4	5	2	3	5	5	1	3
5<		3		2	2	2	1	1
10<	4		4	2	1	2	1	1
15<	7	13	2	5	10	8	7	9
20<	14	10	7	10	11	10	10	9
25<	25	15	24	13	25	23	19	17
35<	40	43	42	27	28	26	36	27
45<	91	102	101	94	100	98	90	72
55<	149	168	196	172	157	167	168	175
65<	401	424	385	429	392	405	386	361
75<	780	781	759	737	753	849	806	747
All ages	1 532	1 581	1 540	1 507	1 496	1 604	1 541	1 436

Source: Demographic Review. 2004 National Statistics Office.

Figure 30

Age in completed years at time of death (females)

	1997	1998	1999	2000	2001	2002	2003	2004
>1	14	7	13	13	5	14	7	9
1<	5	1	2	1	4		1	5
5<	2		2	2	1		1	
10<	1	4	4	1		2	1	3
15<	4	6	5	4	2	1	1	2
20<	2	4	5	1	4	3	6	6
25<	9	5	6	10	3	11	12	8
35<	20	19	22	18	13	17	22	10
45<	63	45	65	73	61	57	50	52
55<	101	118	112	112	111	119	121	110
65<	294	281	295	286	265	280	269	270
75<	841	973	1 027	929	970	923	1 040	992

	1997	1998	1999	2000	2001	2002	2003	2004
All ages	1 356	1 463	1 557	1 450	1 439	1 427	1 531	1 467

Source: Demographic Review. 2004 National Statistics Office.

Figure 31
Death rates specific to sex and age group

	<i>Males</i>		<i>Females</i>	
	2002	2003	2002	2003
0-4	1.3	1.7	1.4	0.8
5-9	0.2	0.1		0.1
10-14	0.1	0.1	0.1	0.1
15-19	0.5	0.5	0.1	0.1
20-24	0.7	0.7	0.2	0.4
25-34	0.9	0.7	0.4	0.5
35-44	1.0	1.4	0.6	0.9
45-54	3.4	3.1	2.0	1.8
55-64	7.9	7.5	5.3	5.1
65 and over	60.6	56.3	41.6	44.5
All ages	8.4	8.0	7.3	7.8

Source: Demographic Review. 2004 National Statistics Office.

Figure 32
Expectation of life at specified ages, by sex

	<i>Males</i>		<i>Females</i>	
	1995	2003	1995	2003
0	74.9	76.4	79.5	80.4
1	74.7	76.0	79.0	79.7
5	70.9	72.1	75.1	76.1
10	65.9	67.1	70.1	71.1
15	61.0	62.1	65.1	66.1
20	56.2	57.2	60.2	61.2
25	51.4	52.4	55.3	56.3
35	41.9	42.8	45.4	46.5
45	32.4	33.2	35.6	36.9
55	23.3	24.1	26.3	27.4
65	15.3	15.7	17.5	18.7
75	9.1	9.3	10.2	11.0

Source: Demographic Review. 2004 National Statistics Office.

Legal framework

301. There are a number of laws and regulations that support health services and safeguard the rights of children and young people. These laws and regulations are in place

for the entire population but in some instances are of specific relevance to children and young adults. The Medicines Act, which deals mainly with pharmacies, is one such instance. In terms of this Act, competent officials from the Department of Public Health carry out inspections to check, amongst other things, the expiry dates and storage conditions of medicines and baby foods.

302. The Public Health Act and the Food Safety Act also include a number of points that are of direct concern to children and young persons.

303. Health Inspectors liaise with the Immunisation Centre to enforce the mandatory vaccination programme as required by law. Besides ensuring that children are properly vaccinated, Health Inspectors also deal with defaulting from schools. In addition, the Public Health Act lists a series of communicable diseases that are statutory notifiable. These communicable diseases are notified to the Department of Public Health by General Practitioners or from Laboratories. The list includes diseases that can be prevented by adequate vaccination such as chicken pox, measles, mumps and rubella. Medical officers from the Disease Surveillance Unit of the Department of Public Health investigate each case and take action as required.

304. The inspection of premises where food handling occurs, including any premises located within schools, is provided for under the Food Safety Act. In such cases, Health Inspectors liaise with the Education Department to inspect tuck-shops and school canteens, and take appropriate action whenever they deem necessary. Water samples are also collected from schools on a regular basis for testing purposes. Other inspections are conducted to all play areas.

305. From the environmental point of view, the Environmental Health Unit undergoes an annual Bathing Water Monitoring Programme throughout the bathing season. The results are then published on the unit's web site on a weekly basis, and if a particular area is found to be unfit for bathing, a health warning is issued and public notices are put up at the area itself.

306. Over the last three years the Department of Public Health has also commissioned two studies on Indoor Air in schools. An Air Pollution Act is also being drafted to replace the recently repealed Clean Air Act.

Health and school services

307. The Primary Health Care Department offers a number of health services to children. These include the General Practitioner Service, which is offered free of charge to all children who attend the primary health sector with an acute complaint. In addition the Child Health Surveillance Programme offers a paediatric surveillance programme to children from birth to school age years. Surveillance is undertaken in Well-Bay Clinics and continues throughout primary school age within both State and Church Primary Schools. This programme seeks to detect developmental, growth, sensory, learning and physical problems at an early age. It also provides the basis for health promotion as well as early recognition of psychosocial problems in children. The surveillance is achieved by examination at key ages namely: at 8 weeks, at 8 to 10 months, at 18 months, at school entry age as well as at pre-secondary school age. The surveillance programme also includes vision and scoliosis screening.

308. Special Educational Needs Teams (SENT) were initiated in 2000 as a result of a collaborative programme between the School Health Service and the Education Division. The primary objective is to provide, within schools, a team approach that assesses complex, challenging childhood problems and to provide support to schools and parents. At the end of the period under review, these teams were operating in 8 schools where they conducted reviews of children with behavioural, psychosocial, neurological or developmental problems. This model of interdisciplinary service delivery has facilitated collaboration with

other community agencies, namely – the School Psychological Services, the Child Safety Service and the Child Assessment and Development Unit, among other services. SEN Teams also draw up profiles of the needs of particular schools and make recommendations to this effect. Furthermore any child causing concern in school is referred to the appropriate specialist clinics or services.

309. The Primary Health Care Department has also been involved in developing a draft national plan for a Children’s Environment and Health Action Plan for Malta.

Immunization programme

310. A multidisciplinary National Advisory Committee on Immunisation Policy provides a forum for paediatricians, public health specialists, microbiologists, virologists, and infectious disease specialists to discuss and debate the latest scientific reports on all aspects of vaccines and immunisation. The National Immunisation Services, which is a section within the Primary Health Care Services Department, has adopted WHO Health 21 Targets for immunisation as the local targets. Most of the vaccination occurs within the Government National Immunisation Services based in the local Health Centres.

Figure 33

Immunization programme

<i>Age</i>	<i>Vaccine</i>
2 months	Diphtheria/tetanus/pertussis Polio Haemophilus influenza type-B
3 months	Diphtheria/tetanus/pertussis Polio Haemophilus influenza type-B
4 months	Diphtheria/tetanus/pertussis Polio Haemophilus influenza type-B
15 months	Measles Mumps Rubella
4 years	Diphtheria/tetanus Polio
7 years	Measles Mumps Rubella
9–10 years	Hepatitis B
12–14 years	BCG-tuberculosis
16 years	Diphtheria/tetanus Polio

Source: Malta’s Public Health Report, 2002.

311. The State Hospital offers a comprehensive list of in and out-patient services for children and adolescents. These include subspecialty provision up to specialized services; facilities for emergency and intensive transfers abroad; subspecialty service and clinics in paediatric oncology, endocrinology, cardiology, neurology, and rheumatology. A number of visiting consultants in a wide spectrum of areas, mostly from Great Ormond Street in

London, are also on offer. *Mater Dei*, the new State Hospital, which is planned to open in 2007, will complement the sterling service which is currently on offer with state-of-the-art equipment, environment and services.

312. The following list includes the main services related to children, offered at the State hospital.

Figure 34

Children services offered at the State hospital

<i>Department</i>	<i>Service</i>
Department of Psychiatry	Child Guidance Clinic
Department of Paediatrics	Child Development and Assessment Unit
	Child Guidance Clinic
	Day Surgery
	Genetics Clinic
	Hospital Teachers Unit
	Neonatal Clinic
	Paediatric Cardiology Out-patients Clinic
	Paediatric Medicine Ward
	Paediatric Oncology Unit
	Paediatric Outpatient Clinics – medicine and surgery
	Paediatric Surgery ward
	Special Care Baby unit
	Subspecialty clinics
Well-baby Clinics (health centres)	

Source: Ministry for Health, the Elderly and Community Care.

Mother and child health services

313. Check-ups for pregnant women are available regularly at antenatal clinics and monitoring is carried out throughout the pregnancy. Once the baby is born, the monitoring of the health and development of newly born babies is carried out by Well-Baby Clinics run by the Department of Primary Health Care in several district health centres.

314. Following the planning phases, a Child Health Electronic Record System has also been developed and piloted within two Well Baby clinics. The aim of this system is to collect information on surveillance visits and to provide relevant information on the child population accessing the Well Baby Clinics and Schools. The system has been designed to allow for a more flexible approach to data collection.

315. A Child Health Guide Booklet, which is distributed for free to all mothers of newborn infants prior to discharge from hospital, has been published by the Primary Health Care Department in collaboration with the departments of Paediatrics and Health Promotion. This booklet contains information about normal child development, immunisation, growth, common paediatric problems and important health promotion messages on nutrition, sun safety, accident prevention, bullying and drug abuse.

316. A proposal for a training package related to a positive parenting programme within the Primary Health Care setting has also been put forward. The aim of this programme is to provide the basis of a prevention strategy for common childhood behavioural problems. A training package will cover a number of sessions and will be offered to parents attending Well Baby clinics and kindergartens. The programme will be offered in each Health Centre.

Breastfeeding

317. Infant feeding habits are recorded at the time of discharge from hospital, though assessing and recording the feeding habits of newborns after discharge from hospital is very difficult.

318. The Association of Breastfeeding Counsellors (ABC) is a Non-Profit Organization that works with a number of stakeholders to promote breastfeeding. Its mission statement is *to protect the right of the child to an optimal start in life and to encourage the mother's right to achieve it*. The main role of this NGO is to:

- Educate the public
- Advocate on behalf of civil society
- Support and empower mothers in their choice to breastfeed
- To protect breastfeeding against negative commercial interests

319. In 1996 a working group composed of health professionals from primary health care, health promotion, maternal care as well as breastfeeding counsellors, started designing a policy statement on breastfeeding in Malta. This policy followed an earlier health document that was published in 1995 and was issued and disseminated to numerous stakeholders in 2000.

Figure 35

Infant feeding methods at time of discharge

	2004	%	2003	%
Breast only	2 130	55	2 165	53
Bottle only	1 218	31	1 427	35
Bottle and breast	501	13	397	10
Other*	32	0.8	16	0.3
Unspecified	21	0.5	51	1.2

Source: National Obstetric Information System, Annual Report 2004.

* 'Other' – include babies who are still at hospital after 28 days and those who die before discharge.

Childhood obesity

320. According to the health policy paper Health Vision 2000, published in 1995, nearly 12 per cent of all newly born babies in Malta weigh 4 kg or over, while 12 per cent of all 5 year olds are obese. These figures indicate that the proportion of obese Maltese children is very high and that excess body weight is a serious national problem.

321. The paper recommends that by 2005 the proportion of children under the age of 10 years who are above the 97th percentile of the WHO reference weight for height should fall below 5 per cent, while those who are above the 120 per cent of the Baldwin reference weight should fall to at least 15 per cent.

322. A study by HSBC has shown that Maltese teenagers have the highest daily consumption of sweets (54 per cent) and among the highest daily consumption of soft drinks (40 per cent). School tuck shops and excess pocket money may be contributing to

these habits, while the lack of regular physical exercise is resulting in obesity and other eating disorders.

323. A number of schools are currently undertaking a number of initiatives with the aim of instilling healthy eating habits in their students. These initiatives include healthy breakfast days and banning sweets and junk food from tuck shops.

Smoking and substance abuse

324. The 2001/2 HBSC survey has shown that 17 per cent of all 15 year-old boys and girls reported smoking at least once a week, whilst 8 per cent of girls and 9 per cent of boys smoked every day. The mean age of the onset of smoking for both genders was 12 years. In addition 40 per cent of girls and 56 per cent of boys reported the consumption of alcoholic drinks at least once a week, putting Malta at the 4th highest ranking.

325. Survey results also indicate that at 15 years of age, 18 per cent of all girls and 25 per cent of all boys would have been drunk at least twice. The average age of the first alcoholic consumption was 13 years for both boys and girls, while both genders claimed being drunk for the first time at the age of 14.

326. As far as substance abuse is concerned, 4 per cent of all girls and 10 per cent of all boys at the age of 15 claimed that they had used cannabis at least once during the previous twelve months. In 2002, it was estimated that there were 2,300 problem drug abusers in Malta. Malta also has the highest rate of individuals undergoing treatment with methadone.⁶⁰

327. Peer pressure and lack of family support and communication increase the above risks. On the other hand, families who have members abusing of alcohol or drugs suffer many psychosocial effects and their well-being is severely compromised.

HIV/AIDS

Figure 36

Reported cases of HIV

<i>Year</i>	<i>Reported cases of HIV</i>
2000	12
2001	11
2002	8
2003	5
2004	15
2005	16*

Source: Ministry of Health, the Elderly and Community Care (HIV became notifiable in Malta in January 2004. The figures presented before that date are only of positive HIV tests).

* One person was 17 years old.

C. Social security and childcare services and facilities

328. As from January 2001, foster carers, who have been entrusted with the care and protection of children, are entitled for a foster care allowance at a flat rate of Lm12 per week, for every child under the age 18 years who is not gainfully employed. To become a foster carer, a specific training course needs to be followed and one's suitability to take care

⁶⁰ Public Health Report, Malta, 2002.

of children is also assessed. This allowance has also been extended in respect of children in institutional care.

Access of the child of working parents to childcare services

329. Child day care services for children under three years of age are currently being provided through a number of private commercial initiatives, while home-based services are usually offered from the carer's home. At *Kumpless Aċċess* in Birgu, the Government offers a community-based child care facility known as SmartKids. Besides child day care services, this centre offers family support services and while service quality is considered to be high, the facility is also regarded as an example of best practice in the Maltese islands.

330. Other child day care facilities are in operation within the State hospital and the University of Malta. While the former is intended for the children of hospital employees, the latter accepts the children of members of staff and students.

331. The process to regulate child day care services has been initiated through the drafting and the publication of the *Standards for Child Day Care Facilities* as a consultation document. While, at a latter stage, these standards will be enforced by law, the Department of Family Welfare, which is set to change its service delivery function to become a regulatory body in the social welfare sector, has adopted a collaborative approach and will first seek to assist service providers in their quest of complying with the standards, improving their service and increasing availability of child day care services.

332. The draft document includes a set of ten standards that cover the following areas:

- Suitable persons and organization
- Physical environment, premises and equipment
- Health and safety of children
- Care, learning and play
- Behaviour management
- Food and Drink
- Equal opportunities and children with special needs
- Working in partnership with parents
- Child protection
- Policies and procedures.

333. Meanwhile the Employment and Training Corporation has embarked on another initiative to encourage, support and subsidy the opening of Child Day Care Facilities at the workplace. The aim of this project, which is co-funded by the European Social Fund (ESF), is to encourage employers to provide childcare services to their employees, while training for childcare providers is also being funded by this project.

334. In the Maltese context early childhood education refers to years children spend at kindergarten when they are 3 and 4 years old, as well as the two to three years in primary education.⁶¹

335. The Ministry of Education is responsible for education between the ages of 3 to 16. This was officially recognized with the publication of the National Minimum Curriculum in

⁶¹ Children are in compulsory education in the year they turn 5. When schools start in late September, the oldest children would be 5 yrs 8 months (January born) whereas the youngest children would be 4 years 9 months (December born).

1999, which, for the first time, acknowledged and took into consideration the two years children spend at Kindergarten. The Ministry of Education has guidelines for anyone wishing to set up a Kindergarten centre, and privately run Kindergarten centres offering services for 3 to 5 year old children are registered with the Education Division.

Preschool education

336. While the State is responsible of pre-school education for all children aged three to five, most private schools have also organized their own kindergarten classes. Both State and private kindergartens often form part of primary schools and in this context it is often the case that kindergartens follow a similar timetable. At present, children are admitted to State kindergartens in October, January and April following their third birthday. While 3 year olds are admitted to Kinder 1, 4 year olds join Kinder II, and though attendance is not compulsory the rate of attendance exceeds 96 per cent of all eligible children.

The learning programme at kindergarten level

337. The Education Division issues guidelines in respect of the learning programme that should be followed at Kindergarten level. The last set of guidelines was issued in January 2002, however as it is up to the kindergarten assistants within each school to decide upon a specific learning programme, the children's experience depends on the training, personal commitment and initiative of the carers.

338. In the early nineties, a programme of work to be covered over the two years that children spend in kindergartens was prepared. This programme identified the following six major aims of kindergarten education:

- Social and emotional development of the child
- Health and hygiene
- Physical development
- Acquiring concepts in maths, language and science
- Preparing children for reading and writing
- Developing the children's imaginative and creative capabilities.

D. Standard of living

Social security benefits

339. Living standards and economic welfare have improved considerably over the last few decades. The economic policy of the Government ensures that there is a standard of living that provides for one's needs and leads to a better quality of life.

Figure 37

Benefits/allowances – 2004

<i>Benefits/allowances</i>	<i>Claims authorised</i>	<i>Payments (Lm)</i>
Children's allowance	37 809	14 285 476
Maternity benefits	2 774	626 701
Disabled child allowance	673	85 766

Source: Department for Social Security.

Figure 38
Family units receiving social security benefits related to children

	1996	1997	1998	1999	2000	2001	2002	2003	2004
CA									
1 eligible child	21 141	18 368	19 186	19 270	19 576	17 849	18 412	18 169	18 247
2 eligible children	19 255	17 702	17 234	16 459	15 871	13 424	14 064	13 746	14 594
3 eligible children	5 652	5 115	4 911	4 688	4 449	3 682	3 778	3 679	3 974
≥ 4 eligible children	1 432	1 292	1 250	1 153	1 095	859	887	887	994
SA	1 177								
CA + SA	1 495								
PA	8 036								
DCA	577	562	577	603	603	544	597	660	673
FB	52 930								
OA	15	15	12	12	11	10	12	13	10

Source: Department for Social Security.

Key: CA: Children's Allowance.

SA: Special Allowance.

PA: Parental Allowance.

DCA: Disabled Child Allowance.

FB: Family Bonus.

OA: Orphan's Allowance.

Figure 39
Government expenditure on child benefits in Maltese Liri

	1996	1997	1998	1999	2000	2001	2002	2003	2004
CA	18.3	20.4	20.1	19.0	18.4	15.9	15.9	14.9	14.3
DCA	90 277	127 408	172 170	165 811	168 729	172 071	167 348	122 908	85 766
OA	11 952	13 340	12 158	14 006	10 740	9 856	18 868	17 829	17 183

Source: Department for Social Security.

Key: CA: Children's Allowance in Lm 000,000.

DCA: Disabled Child Allowance.

OA: Orphan's Allowance.

National Action Plan on Poverty and Social Exclusion 2004–2006

340. The Malta National Action Plan on Poverty and Social Exclusion 2004–2006 is a commitment by Government and Maltese society to ensure and promote a concerted and coordinated effort to combat poverty and social exclusion and promote social inclusion at all levels of the political action. The Action Plan is firstly about understanding the situation, identifying those at risk of poverty and social exclusion and recognizing that coordinated efforts are necessary to effect positive change in the lives of those who are most in need. It is also about creating a framework for concrete action by Government and NGOs and establishing measures to evaluate progress in the implementation of the action programme.

341. The development of the Malta National Action Plan was divided into four consultation phases. It included the participation of five focus groups and the organization of a National Seminar with the intention of reaching a comprehensive strategy by involving all interested parties. The document contains those activities that have a clear policy change

input and well-established deadlines and financial parameters. The collaboration with NGOs, social partners, religious organizations and government departments is seen as crucial towards the national multi-dimensional approach. The preparation of the National Action Plan has also been used as a means to increase awareness of the social inclusion process, amongst the general public, policy makers and practitioners.

342. The Action Plan translates its strategic objectives and policy measures within a context of an aging population, changing family structures, improved living conditions, more tolerance for diversity, the promotion of gender equality and a diversifying employment sector. These factors are creating new demands for the restructuring of the social welfare system and the development of new social inclusion policies. The Plan recognizes that these developments bring about diverse risks of poverty and social exclusion and maps out the action required on a strategic approach based on three pillars, namely:

- Increasing the overall employment rate — namely female — and develop policies to make work pay while promoting more and better jobs for both women and men, who are currently inactive or who are recipients of social benefits
- Combating illiteracy and improving the educational attainment of both young students as well as adults in advanced age
- Strengthening the welfare system so as to cater for the most needy and increasing social and affordable housing conducive to well-being.

343. The National Action Plan devises the following 12 key priorities in support of the above strategy:

- **Key priority 1:** To increase employment and employability of vulnerable groups (including persons who are unskilled, who have been inactive for a significant period of time, unable to work a full time-table and parents with dependent children and disabled persons)
- **Key priority 2:** To increase the current low female employment rate
- **Key priority 3:** To raise the current, low employment rate of persons aged 55 years and over
- **Key priority 4:** Making work pay
- **Key priority 5:** Ensuring that literacy and numeric skills are acquired by all members of society, reducing school absenteeism and promoting life-long and life-wide opportunities at all levels and in a wide range of areas
- **Key priority 6:** Ensuring further inclusion and equal opportunities for students with disabilities or learning difficulties in primary and secondary schools
- **Key priority 7:** To further support families in need and families at risk of social exclusion, particularly victims of domestic violence
- **Key priority 8:** To promote public awareness of children's rights and to provide services to protect and empower children/youth
- **Key priority 9:** To ensure adequate and affordable housing to vulnerable groups by providing a wider range of services and schemes
- **Key priority 10:** Promoting the access to services faced by disadvantaged groups (persons with mental health problems, single mothers, victims of domestic violence, substance abusers, refugees and illegal immigrants)
- **Key priority 11:** Ensuring adequate and sustainable pensions

- **Key priority 12:** Regeneration of Grand Harbour Area so as to increase access to housing, employment and community care and social facilities.

344. Out of the key priorities identified in the National Action Plan, key priorities 5, 6 and 8 are particularly related to children.

Housing

345. The mission statement of the Housing Authority states that *decent housing strengthens communities and provides a better setting in which to raise our children*. The said authority fulfils its mission by providing active support to children and families through the services it offers. This is also in line with article 27 of the Convention, which states that *State parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual and social development*.

346. The Housing Authority offers assistance to families with children in a number of ways. This is achieved through its various schemes as well as sale issues.

Disability scheme

347. The Housing Authority provides financial assistance for adaptation works in houses occupied by persons with disabilities. This assistance enables individuals to adapt their homes according to their needs to achieve more accessibility and be in a position to lead a more independent or semi-independent lifestyle, thus avoiding or delaying institutionalization.

348. A total of 46 children have benefited under this particular scheme. The following table presents a breakdown of these beneficiaries according to age.

Figure 40

Number of beneficiaries under disability scheme

<i>Age group</i>	<i>Number of children</i>
0–10	20
11–18	26
Total	46

Source: Housing Authority.

Rent subsidy

349. Children also benefit from the rent subsidy on privately owned property for which many single parents — in majority mothers — apply. The following tables provide further statistical details.

350. In 2003, the Housing Authority lowered the minimum age at which children leaving care become eligible for a rent subsidy. The minimum age was brought down from 18 to 16 years. This subsidy is intended for young people who have been living in care and who would like to rent accommodation to lead an independent life.

Figure 41

Number of beneficiaries of rent subsidy on privately owned property

<i>Number of children</i>	<i>Number of families</i>	<i>Total number of children</i>
1	213	213
2	107	214
3	34	102
4	14	56

<i>Number of children</i>	<i>Number of families</i>	<i>Total number of children</i>
5	5	25
Total	373	610

Source: Housing Authority.

Figure 42
Number of children under the age of 18 years, benefiting from the rent subsidy scheme

<i>Age group</i>	<i>Number of children</i>
0–10	353
11–18	238
Total	591

Source: Housing Authority.

Sale issue

351. The Housing Authority promotes home ownership by producing affordable housing via building programmes. During the annual sales issues, the newly developed units are sold at a price which is subsidized by an average of 33 per cent. About half of these units are reserved for families with children, which would also include single parents with their children.

352. A total of 358 children have indirectly benefited from the Housing Authority's Sale issue, when applying with their parents. A total of 321 children are younger than 18 years old. The following table shows a breakdown of the children according to their age group.

Figure 43
Number of children under the age of 18 years, benefiting from the sale issue

<i>Age group</i>	<i>Number of children</i>
0–10	231
11–18	90
Total	321

Source: Housing Authority.

353. Over the past years, the Housing Authority has provided assistance to children in a variety of ways. Since October 1999, a total of 958 children have received some sort of assistance.

Figure 44
Total number of children under the age of 18 years, benefiting from schemes by the Housing Authority

<i>Type of assistance</i>	<i>Number of children</i>
Disability scheme	46
Rent subsidy	591
Sale issue	321
Total	958

Source: Housing Authority.

Care and repair

354. This scheme, launched in 2002, is intended for disadvantaged people on very low income that find it difficult to acquire assistance through other schemes. Care and repair is a different service in that it offers a more personalised approach. In contrast to schemes where the applicants have to liaise with contractors to get the repair works done, under the care and repair initiative, it is the staff of the Housing Authority that coordinates with the contractors on behalf of the beneficiaries. This is done to avoid unnecessary worry to clients who are in a vulnerable position. Among the various beneficiaries of this scheme one can mention single parents with children.

VIII. Special protection measures

A. Children involved with the system of administration of juvenile justice

The administration of juvenile justice

355. While juvenile justice is administered by the Juvenile Court, the social welfare system provides services to young people who are involved in the criminal arena for whatever reason. In 2001, *Aġenzija Appoġġ* launched a residential therapeutic programme for adolescent boys, as well as an outreach service for adolescent boys and girls. After the first 18 months of operation, the residential programme was evaluated and an outreach project was set up in its place to cater better for the needs of its service users.

356. The *Adolescent Outreach Service* provides social work intervention to adolescents and their families. It provides psychological assistance, accommodation for homeless young people (or those who need to be temporarily away from their family), as well as assistance in schooling or employment as the case may be. The social workers in this team work very closely with Probation Services, and assist in Juvenile Court Hearings by being present during sittings. Their aim is to assist the Magistrate as to the best possible action to be taken in the particular circumstances of the young person involved.

357. Until 2004 a Socio-Legal Unit was in operation within the Department of Family Welfare. This unit offered a comprehensive range of services to young offenders and their families, by providing preventive, supportive and referral services and by promoting awareness of legislation.

358. Young first offenders were referred to the Socio-Legal Unit by the police, prior to appearing before the Juvenile Court, furthermore as of 2000, a social worker from the unit was always available when the police held minors for questioning.

359. During the last months of 2003, as the Department of Family Welfare was set to assume a regulatory function and its social work caseloads were gradually transferred to other service delivery entities, a working group was set up for the purpose of addressing the transfer of the Juvenile Court and Police Cases from the Socio-Legal Unit. This transfer was mostly achieved during 2004.

Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings

360. During the period under review, a new Young Offenders Unit Rehabilitation Services (YOURS) was set up. This section includes various facilities specifically aimed for the better development of its young inmates – these include a library, a music room, a workshop, a gymnasium, a laundry, visiting facilities as well as a spacious exercise yard and a number of communal rooms.

361. The Unit offers a full curriculum of classes in various subjects, including Maltese, English, Italian, mathematics, music, geography, history, computer skills, life skills, lateral

thinking, arts and crafts, and cooking. A fully developed recreation programme which includes various physical fitness activities is also provided.

362. The management of YOURS, together with the Probation Services Unit and other relevant State agencies make continuous efforts to expand the occupational activities and social re-integration programmes for the young offenders.⁶²

Physical and psychological recovery and social reintegration of the child

363. Probation Services help to ensure social stability by contributing to minimise the frequency of crime and by ensuring the re-integration of offenders (including young offenders) to functional societal frameworks.

364. A new structure for Probation Services was set up in 1998 within the Department for Correctional Services. The aim of this new structure was to strengthen probation and to expand and improve the services that were being offered. Additionally in 2002, a new Probation Act was introduced to replace former legislation on this aspect and to align the probation service with recent developments. The new legislation, in catering for the needs of young offenders, specifically states that where possible, the probation officer who is designated to supervise an offender under sixteen years of age should be a person experienced in dealing with children or young persons.

B. Children in situations of exploitation

Economic exploitation of children (including child labour)

365. In addition to provisions in the Constitution and the Education Act, whereby child labour was prohibited in Malta, it was felt that children deserved further protection in the sphere of employment. This was achieved through the enactment of the Young Persons (Employment) Regulations. The main aims of this piece of legislation were to prohibit work by children and to regulate the employment of adolescents and young persons. Through these Regulations, employers have a legal obligation to provide suitable working conditions for their young employees, while at the same time ensuring they these young persons are not exploited or subjected to work that will jeopardize their education or in some other way harm their well-being and development.

Sale, trafficking and abduction

366. Following the enactment of the Child Abduction and Custody Act, which acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction as well as the European Convention on the Recognition of Decisions Concerning Custody on Restoration of Custody of Children, the Department of Family Welfare was designated as Central Authority.

367. The Central Authority received its first case in 2001 and at the end of 2004 it had a caseload of eight cases. The following table shows the caseload of the Central Authority between 2001 and 2004.

Figure 45

Caseload of the central authority for international child abduction

<i>Year</i>	<i>Number of cases</i>
2001	1
2002	4

⁶² <http://www.educationinprison.org/countryinfo/Malta>.

<i>Year</i>	<i>Number of cases</i>
2003	6
2004	8

Source: Department of Family Welfare.

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