



Convention on the Rights of the Child

Distr.: General
5 November 2018

Original: English
English, French and Spanish only

Committee on the Rights of the Child

Eighty-first session

13–31 May 2019

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined third to sixth periodic reports of Malta

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 February 2019. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please provide further information on the contents of the Child Protection (Alternative Care) Act (Act No. III of 2017) and, in particular, whether it fully incorporates the principles and provisions of the Convention and its Optional Protocols. Please indicate whether it has already come into force.
2. Please provide detailed information on whether the National Children's Policy (2017–2024) has been adopted and whether it covers all aspects of the Convention and its Optional Protocols and embraces all other sectoral and regional plans of action rather than complementing existing national policies and strategies. Please also provide information on measures taken to strengthen the independence and resources of the Office of the Commissioner for Children, and to disseminate and raise awareness about the Convention.
3. Please provide updated information on the process of setting up the institutions and structures necessary for the implementation of the Child Protection (Alternative Care) Act, including the Office of the Commissioner for Child Protection. Please inform the Committee which body is currently responsible for coordinating activities in the area of children's rights, including those of the Ministry for the Family, Children's Rights and Social Solidarity.
4. Please indicate whether a budgeting process focusing on children's needs and leading to the adoption of a budget with clear separate allocations for children, specific indicators and a tracking system has been established. Please also indicate whether mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of financial resources for the implementation of the Convention and its Optional Protocols have been set up.
5. Pursuant to the Committee's previous concluding observations (see CRC/C/MLT/CO/2, paras. 36 and 37), please clarify what measures have been taken to eliminate all forms of corporal punishment of children in all settings, without exception.



6. Please inform the Committee whether the single uniform database on suspected child abuse envisaged by the Child Protection (Alternative Care) Act has been set up. Please also provide information on the reporting procedures of government authorities and professionals, investigations conducted, successful criminal prosecutions and sanctions imposed upon perpetrators of acts of child abuse, including sexual abuse, and remedies provided to child victims.

7. With reference to the State party report (CRC/C/MLT/3-6, para. 40), please provide additional information about the mandate and activities of the Police Vice Squad and the Police Victim Support Unit. Please clarify the contradictory data provided in the annex to the State party report¹ about the prevalence of child sexual exploitation (para. 27 (a) and (c)).

8. Please provide information on the criteria and procedure for placing a child in alternative care. In the light of the information provided in the State party report that further capacity-building within the Looked after Children service for 2018 was subject to the availability of social workers, please provide information on whether the State party has increased the number of social workers to ensure that the individual needs of each child are effectively addressed.

9. Please provide information on any initiatives taken in the public health sector to develop dedicated services for children with disabilities. Please provide further information on sexual and reproductive health services for children, particularly safe and free abortion for girl victims of rape or incest.

10. Please inform the Committee about the results of the review of its reception and detention policies, in particular of whether asylum-seeking children are still being detained and the conditions for access to education for unaccompanied asylum-seeking children. Please also provide information on the outcome of the study on all foreign children residing in the State party, including children in an irregular migration situation, to assess their entitlement of rights and services commissioned by the Office of the Commissioner for Children.

11. Please provide information on measures taken to implement the Committee's previous concluding observations (see CRC/C/MLT/CO/2, para. 66 and CRC/C/15/Add.129, para. 50), including those taken to raise the minimum age of criminal responsibility; to extend the scope of its juvenile justice legislation to include all children under 18 years of age; to eliminate the criterion of "mischievous intent" for children between 14 and 16 years of age; to abolish its policy of co-accused minors; and to introduce alternatives to detention and diversion possibilities.

12. Please provide information on measures taken to implement the Committee's previous concluding observations in follow-up to the review of the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/MLT/CO/1; see also CRC/C/MLT/CO/2, paras. 63–64).

Part II

13. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans, and their scope and financing;
- (d) Recent ratifications of human rights instruments.

¹ Available on the web page of the Committee on the Rights of the Child.

Part III

Data, statistics and other information, if available

14. Please provide consolidated information for the past three years on the budget lines relating to children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product.

15. Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, and socioeconomic status, for the past three years, on:

- (a) Xenophobic or racist acts against children;
- (b) Violence against or bullying of children based on sexual orientation or gender identity;
- (c) Children living in families with lesbian, gay, bisexual, transgender or intersex parents;
- (d) Parents stripped of their parental authority because of corporal punishment or other forms of violence, ill-treatment, abuse or neglect;
- (e) The number of criminal accusations, prosecutions and convictions in relation to abuse, including sexual abuse, of children by members of the clergy or in public institutions;
- (f) Children who are victims of domestic violence;
- (g) Children who are victims of harmful practices, including child marriage or female genital mutilation/cutting, or who are at risk of such practices;
- (h) Children of incarcerated parents and children living in prison with their mothers;
- (i) Girls having undergone abortions, in particular unsafe abortions, including those who have been criminally punished for doing so;
- (j) Children infected or affected by HIV/AIDS;
- (k) Children who use illicit drugs, substances or alcohol;
- (l) The number of children seeking asylum in the State party, including unaccompanied or separated children, and children who have left the Initial Reception Centres, the number of children who have been granted refugee status, and the number of children who have withdrawn their applications;
- (m) The number of unaccompanied or separated children placed in the Initial Reception Centres, and the minimum and maximum duration of their stay;
- (n) The number of stateless children residing in the State party;
- (o) The number of removal orders against children that have been issued and executed;
- (p) Children who are victims of trafficking and exploitation.

16. Please provide data disaggregated by age, sex, ethnic origin, national origin and socioeconomic background, regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

- (a) Living in institutions;
- (b) Placed in foster care;
- (c) Living in adoptive families;
- (d) Who have been internationally adopted.

17. Please provide data, disaggregated by age, sex, type of disability, and ethnic origin, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions, including children with disabilities whose families have been identified by a care order issued under the Civil Code as being “unable” to take care of their children;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;
- (g) Abandoned by their families.

18. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Arrested;
- (b) In detention, including serving prison sentences;
- (c) In diversion programmes.

19. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments.

20. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
